

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Personnel**CHILD ABUSE PREVENTION AND MANDATED REPORTER PROCEDURES**Policy Statement

The County Superintendent is committed to supporting the safety and well-being of students and desires to facilitate the prevention of and response to child abuse and neglect. Employees of the County Superintendent are obligated to know and understand their legal, ethical, and professional obligations pertaining to mandatory child abuse reporting within an educational setting. The following policy implements strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

QUICK LINK TO FORMS

Suspected Child Abuse Report: [DOJ form SS Form 8572 and Directions](#)

Report of Suspected Dependent Adult/Elder Abuse: [SOC Form 341 and Directions](#)

Release of Child to Peace Officer: [FCSS Release of Child to Peace Officer Form](#)

Child Abuse Prevention and Mandated Reporter Employee: [Certification/Acknowledgement Form](#)

DEFINITIONS

Child abuse or neglect includes the following: (Penal Code § 11165.5, § 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person.
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code §11165.1
3. Neglect of a child as defined in Penal Code §11165.2.
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code §11165.3.
5. Unlawful corporal punishment or injury as defined in Penal Code §11165.4.

Child abuse or neglect does not include:

1. A mutual affray between minors. (Penal Code §11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment. (Penal Code §11165.6)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning. (Education Code §44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student. (Education Code §49001)

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5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student. (Education Code §49001)
6. Homelessness or classification as an unaccompanied minor (Penal Code [11165.15](#))

Reasonable Suspicion means when 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/her training and experience, to suspect child abuse or neglect. However, 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. (Penal Code [11166](#))

Child Protective Agencies means law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department, and child protective services.

MANDATED REPORTERS AND THEIR RESPONSIBILITIES FOR REPORTING

County office employees who are mandated reporters must report all known or suspected incidents of child abuse or neglect. Mandated reporters shall not investigate any suspected incidents, but rather shall cooperate with agencies responsible for reporting, investigating, and prosecuting cases of child abuse and neglect.

County office employees are mandated reporters as defined by California Penal Code §11165.7, include, but are not limited to:

- A teacher
- A classified employee of a public/charter school
- A licensed nurse or health care provider
- Administrative officers or supervisors of child attendance
- Administrators and employees of a licensed child day care facility
- Administrators, presenters, and counselors of a child abuse prevention program
- An instructional/teacher aide, assistants
- An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis
- Athletic coaches, administrators, and directors
- Certificated pupil personnel employees

The county office recognizes that students with special needs are especially vulnerable to physical, emotional, or sexual abuse. The mandated reporting procedures established shall address the needs of students with special needs as well as other students.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code §11166)

The reporting duties of mandated reporters are individual and cannot be delegated to another person. When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected 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. (Penal Code §11166)

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No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code §11166)

REPORTABLE OFFENSES

A mandated reporter shall make a report when, in his/her professional capacity or within the scope of his/her employment, he/she knows or reasonably suspects that a child has been the victim of child abuse or neglect. This report shall occur immediately or as soon as practically possible by telephone. Within **36 hours** of knowing or reasonably suspecting the abuse or neglect, a written report shall be prepared and transmitted to the appropriate agency.

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 based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code §11166.05)

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury where the victim is a child under age 14 (Penal Code §152.3) or the child is 15 or younger and the aggressor is ten or more years older than the child (Penal Code §288).

REPORTING PROCEDURES1. Initial Telephone Report

Immediately or as soon as practically possible after knowing or reasonably suspecting child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code §11166)

When the telephone report is made, the mandated reporter shall provide the following information, if available:

- a. The name, business address and telephone number of the person making the report and the capacity that makes the person a mandated reporter;
- b. The child's name and address;
- c. The present location of child;
- d. The names, addresses, and telephone numbers of the child's parent/guardians;
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information;
- f. The name, address, telephone number, or other relevant personal information about the person(s) who might have abused or neglected the child; and
- g. Any other relevant information.

At the conclusion of the telephone report, the mandated reporter should ask for and document the name of the official contacted, the specific date and time, and any instructions or advice received.

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2. Written Report

Within 36 hours of knowing or reasonably suspecting child abuse or neglect, the mandated reporter shall prepare and either mail, hand deliver, fax, or electronically submit to the appropriate agency a written follow-up report on Department of Justice SS Form 8572 (Suspected Child Abuse) or if a dependent adult is the subject of abuse or neglect, on SOC Form 331 (Report of Suspected Dependent Adult/Elder Abuse). (Penal Code §11166, §11168) Forms are available through reporting agencies and are hyperlinked on page one of this SOP.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code §11167)

- a. The name, business address, and telephone number of the mandated reporter, and the capacity that makes the person a mandated reporter;
- b. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information;
- c. The child's name and address, present location, and, if applicable, school, grade, and class;
- d. The names, addresses, and telephone numbers of the child's parents/guardians; and
- e. The name, address, telephone number, and other relevant information about the person or persons who might have abused or neglected the child.

The mandated reporter shall make a report even if some of this information is not known or confirmed. The information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating. (Penal Code §11167)

Upon completion of the written report, the mandated reporter is strongly encouraged to make a copy of all documents provided to law enforcement or the appropriate agency, place the copy in a sealed envelope, and forward it to the appropriate cabinet member who will maintain the sealed envelope in a locked file. The envelope shall denote:

- a. The child's last name and first initial;
- b. The last four (4) digits of the child's social security number;
- c. The name and address of the child's school; and
- d. The name and badge number of the CPS/APS social worker or law enforcement officer who received the report.

3. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are highly encouraged, but not required to, notify their supervisor as soon as possible after the initial telephone report is made to an appropriate agency. When so notified, the supervisor shall inform the County Superintendent or designee.

The supervisor so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and this policy. At the mandated reporter's request, the supervisor may assist in completing and filing the necessary forms.

The mandated reporter shall not be required to disclose his/her identity to the program manager, immediate supervisor, or designee (Penal Code § 11166). He/she may provide or mail a copy of the written report to the supervisor or designee without his/her signature or name.

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Reporting the information to an employer, supervisor, program manager, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code § 11166)

NOTIFICATIONS

All new employees will be informed of their reporting obligations as mandated reporters and of their confidentiality rights. All employees will be provided with a copy of this policy (SP HR- 1305) and sign the Child Abuse Prevention and Mandated Reporter Employee Certification / Acknowledgement. In addition, employees shall be provided with this procedure annually thereafter.

Employees who work with dependent adults, i.e. students with special needs who are age 18 and older, shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code §§ 15630-15637.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report with reckless disregard of the truth or falsity of the report. (Penal Code § 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code § 11166)
3. No employee shall be subject to any sanction by FCSS for making a report. (Penal Code § 11166)

TRAINING

Within the first six weeks of each school year, the County Superintendent or designee shall provide training on mandated reporting requirements to FCSS employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code [44691](#); Penal Code [11165.7](#))

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code [44691](#); Penal Code [11165.7](#))

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code [44691](#))

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code [44691](#))

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CONFIDENTIALITY

All reports of child abuse shall be kept confidential to the extent necessary to carry out the legal requirements of mandated reporting.

The identity of the county office employee who reports suspected child abuse shall remain confidential and shall be disclosed only among designated child protective agencies, by court order, or when needed for specified court actions.

All county office employees involved in processing mandated reporting shall endeavor in good faith to protect the privacy of all parties involved. Discussions among county office employees **shall be prohibited** unless necessary to process mandated reporting requirements to the appropriate child protective services agencies.

VICTIM INTERVIEWS

Whenever a representative of a government agency investigating suspected child abuse or neglect or the State Department of Social Services deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code § 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the supervisor or designee shall inform him/her of the following requirements: (Penal Code § 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code § 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code § 11174.3)

PARENT/GUARDIAN COMPLAINTS

Upon request, the County Superintendent or designee shall provide parents/guardians with a copy of this policy. To file a complaint naming a county office employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures."

If a parent/guardian alleges that an employee has abused or neglected a child, the employee receiving the information shall provide the parent/guardian with a copy of this policy. The employee is also obligated, pursuant to Penal Code §11166, to file a report as a mandated reporter.

If the child is enrolled in special education, a separate complaint may be filed with the California

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Department of Education pursuant to 5 CCR 4650.

COMPLAINTS INVOLVING AN FCSS EMPLOYEE

Any employee who has reasonable suspicion that another FCSS employee has committed child abuse must file a report with the appropriate agency identified above under "Reporting Procedures" and must report the suspected conduct to the appropriate supervising FCSS administrator who shall then immediately notify Human Resources. Human Resources shall promptly investigate and the named employee will be provided with all appropriate due process rights.

RELEASE OF CHILD TO PEACE OFFICER

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the County Superintendent, designee, and/or site administrator **shall not notify the parent/guardian**, but shall provide the peace officer with the address and telephone number of the child's parent/guardian. The peace officer or agent have the responsibility to notify the parent/guardian of the situation. (Education Code §48906)

Peace officers shall be asked to sign the FCSS Release of Child to Peace Officer Form for appropriate release and acceptance of responsibility.

ENFORCEMENT

A violation of this policy shall constitute just cause for discipline, up to and including dismissal, and shall be deemed to be a violation of or refusal to obey state law and the policies and regulations of the county office.

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GOVERNMENT AGENCIES

Call 911 for Police, Ambulance or Fire Emergency

Immediately or as soon as practically possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department, sheriff's department, county probation department, or county welfare department.

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either mail, hand deliver, fax, or electronically submit to the appropriate agency a written follow-up report.

LOCAL GOVERNMENTAL AGENCIES THAT INVESTIGATE ABUSE REPORTS

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| <p><u>CHILDREN'S PROTECTIVE SERVICES</u> (CPS) Fresno County Department of Social Services 1404 L. Street, Fresno 93721 CHILD PROTECTION HOTLINE (559) 255-8320</p> <p>California Child Abuse Hotline (800) 540-4000 24 hours a day, 7 days a week</p> | <p><u>ADULT PROTECTIVE SERVICES</u> (APS) Fresno County Department of Social Services 2025 E Dakota Ave, Fresno 93726 ADULT PROTECTION HOTLINE – (559) 600-3383 (800) 418-1426</p> <p>California Elder Abuse Hotline (800) 722-0432 24 hours a day, 7 days a week</p> |
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FRESNO COUNTY LAW ENFORCEMENT DEPARTMENTS

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| <p><u>CLOVIS POLICE</u> (559) 324-2800 1233 5th St, Clovis 93612</p> | <p><u>FRESNO CITY POLICE</u> (559) 621-7000 2323 Mariposa St, Fresno 93721</p> | <p><u>PARLIER POLICE</u> (559) 646-6600 8770 S Mendocino Ave, Parlier 93648</p> |
| <p><u>COALINGA POLICE</u> (559) 935-2313 270 N 6th St, Coalinga 93210</p> | <p><u>HURON POLICE</u> (559) 945-2046 17051 12 St, Huron 93234</p> | <p><u>REEDLEY POLICE</u> (559) 637-4250 843 G St, Reedley 93654</p> |
| <p><u>FIREBAUGH POLICE</u> (559) 659-3051 1575 11th St, Firebaugh 93622</p> | <p><u>KERMAN POLICE</u> (559) 846-6633 850 S Madera Ave, Kerman 93630</p> | <p><u>SANGER POLICE</u> (559) 875-8521 1700 7th St, Sanger 93657</p> |
| <p><u>FOWLER POLICE</u> (559) 834-2112 128 S 5th St, Fowler 93625</p> | <p><u>KINGSBURG POLICE</u> (559) 897-4418 1300 California St, Kingsburg 93631</p> | <p><u>SELMA POLICE</u> (559) 896-2525 1935 E Front St, Selma 93662</p> |
| <p><u>FRESNO COUNTY SHERIFF</u> (559) 600-3111 2200 Fresno St, Fresno 93724</p> | <p><u>ORANGE COVE POLICE</u> (559) 626-5106 550 Center St, Orange Cove 93646</p> | <p>24 hours a day 7 days a week 365 days a year</p> |

OTHER SERVICE AGENCIES

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| <p><u>ADULT MENTAL HEALTH SERVICES</u> FRESNO COUNTY DEPT OF BEHAVIORAL HEALTH Outpatient/Intensive Services/Substance Abuse/Et al. CRISIS (800) 654-3937 PHONE (559) 600-9180 4441 E Kings Canyon, Fresno 93702</p> | <p><u>CHILDREN'S MENTAL HEALTH SERVICES</u> FRESNO COUNTY DEPT OF BEHAVIORAL HEALTH Outpatient/CCAIR/EDT/IOP/Et al. CRISIS (559) 600-6760 RURAL (800) 654-3937 3133 N Millbrook Ave, Fresno 93703</p> |
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| <p><u>DOMESTIC VIOLENCE SERVICE</u> MARJAREE MASON CENTER (800) 640-0333 – 24 hour crisis line FRESNO – (559) 233-4357 REEDLEY – (559) 638-0494 1600 M St, Fresno 93721</p> | <p><u>RAPE COUNSELING SERVICES</u> <u>CARMEN MEZA CENTER</u> HOTLINE: (559) 222-7273 24 hour crisis line FRESNO – (559) 497-2900 259 N Blackstone, Fresno 93701 FIREBAUGH – (559) 659-0232 838 O St, Firebaugh 93622</p> |
| <p><u>CRIME VICTIMS ASSISTANCE CENTER</u> (559) 600-2822 2233 Kern St, Fresno 93721</p> | |

Adopted: 05/20/2014

Amended: 09/19/2019

References

Management Resources

Prohibition of Employee Harassment: Discrimination, Physical, Gender, Psychological and / or Sexual Harassment, SP HR-1316.

Prohibition of Pupil Harassment: Discrimination, Physical, Gender, Psychological and / or Sexual Harassment, SP HR-1317

Legal References

- Education Code Section 44691 – Staff Development in the Detection of Child Abuse and Neglect
- Education Code Section 48906 – Notification – Release of Student to Law Enforcement Officer
- Education Code Section 49001 – Prohibition of Corporal Punishment
- Child Abuse and Neglect Reporting Act, California Penal Code Sections 11164 – 11174.3