



RIVERSIDE COUNTY
OFFICE OF EDUCATION

DR. DALE S. HOLMES
Riverside County Superintendent of Schools

Child/Dependent Adult Abuse Mandated Reporting Laws



To all Staff:

The Riverside County Superintendent of Schools is committed to protecting the health and safety of children and dependent adults who are served by our programs. By law, it is the responsibility of school employees who suspect child/dependent adult abuse to report their suspicions to the proper authorities.

This pamphlet has been prepared to provide school employees with a brief explanation of your rights and responsibilities concerning the reporting of such abuse.

If you wish more specific reporting procedures or information, please contact the assistant superintendent in your division.

Sincerely,



*Dale S. Holmes,
Riverside County Superintendent of Schools*

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Suspected Child Abuse Reporting

As school employees, we have a legal and ethical responsibility to protect children from harm, regardless of the origin of that harm. The laws in California require that child care custodians protect children (*anyone under 18 years of age*) by reporting our reasonable suspicion of child abuse/neglect observed in our professional capacity or within the scope of our employment.

Responsibilities of Mandated Child Abuse Reporters

The major responsibilities of mandated child abuse reporters are:

- ❖ to identify incidents of known or reasonably suspected child abuse and
- ❖ to comply with laws requiring reporting of known or reasonable suspected abuse to the proper authorities.

Determining whether or not the suspected abuse actually occurred is not the responsibility of the educator. The responsibility by law, of the child care custodian, is to report every incident of known or reasonably suspected child abuse, NOT to substantiate the report.

Definitions

The following are described in order to provide an understanding of the responsibility of the mandated reporter.

Dependent adult means any person residing in California between the ages of 18 to 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights.

Abuse is any act of omission or commission which endangers a dependent adult's physical well being. This includes physical, abandonment, neglect, intimidation or fiduciary abuse.

Required Reporting Procedures

The law requires immediate reporting of a physically abused dependent adult, by telephone, to the adult protective services agency of the county or local law enforcement.

Signs of Suspected Abuse

- ❖ Assault
- ❖ Battery
- ❖ Any form of sexual abuse
- ❖ Unreasonable physical constraint
- ❖ Prolonged or continual deprivation of food or water

Signs of Suspected Abuse

- ❖ A child who appears to be in immediate danger.
- ❖ A child with unexplained or unusual injuries.
- ❖ A child's request for help relating to physical or emotional abuse.
- ❖ A child relating sexual experiences.
- ❖ A young child left alone for long periods of time.
- ❖ Health-threatening, unsanitary living conditions.

Reporting Steps

- ❖ Telephone report to "*child protective agency*" immediately or as soon as practically possible.
- ❖ Submit a written report within 36 clock hours to the agency contacted by phone.
- ❖ Due to confidentiality provisions in the law, the employee has no responsibility to report the information to his/her direct supervisor or school site administration.



Where To Report

Child Protective Agency means a police or sheriff's department, a county probation department, or a county welfare department. Which child protective agency to contact is determined by:

- (1) type of suspected abuse, and
- (2) location where the suspected abuse occurred (*or where the child lives*).

When physical, sexual, or a life-threatening/endangering situation is suspected, a report should be filed with the appropriate law enforcement agency, Abused Child Unit. When general neglect is suspected, a report should be filed with the appropriate office of Social Services.

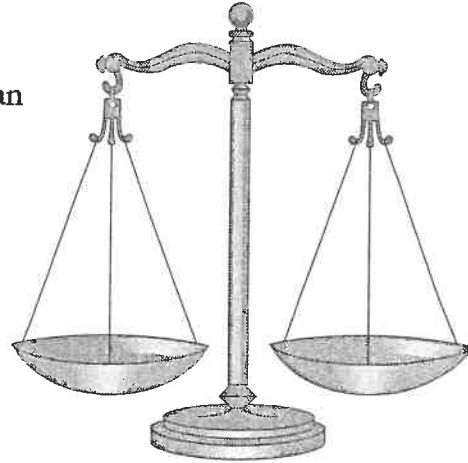
Reporting Form

All units of the office of the Riverside County Superintendent of Schools, shall provide form #SS 8562, suspected Child Abuse Report. Completion of the report must include:

- ❖ identifying information, including name of school (*reporting party may use the school site address and telephone number*).
- ❖ name and address of the child protective agency, officer's name, telephone number, and date and time of call.
- ❖ statements concerning observations of the child's injuries or conditions which are factual and objective.

Liability

Legally mandated reporters can be criminally liable for failing to report suspected abuse. The penalty for this misdemeanor is up to six months in county jail, a fine of not more than \$1,000, or both. Mandated reporters can also be civilly liable for failure to report.



Confidentiality

Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporter's name confidential, unless a court orders the information disclosed.

Immunity

Any legally mandated reporter has immunity when making a report. In the event a civil suit is filed against the reporter, reimbursement for fees incurred in the suit will occur up to \$50,000. No individual can be dismissed, disciplined or harassed for making a report of suspected child abuse.

Suspected Abuse of a Dependent Adult

Asssembly Bill 238, Papan, 1985 mandates that any administrator or employee of an educational institution which provides care for elders or dependent adults shall report physical abuse.

Responsibilities of Mandated Dependent Abuse Reporters

The major responsibilities of mandated dependent adult abuse reporters are:

- ❖ to identify incidents of suspected dependent adult abuse who are enrolled in educational programs, and
- ❖ to comply with the laws requiring reporting of suspected or witnessed abuse to the proper authorities. Investigating or substantiating suspected abuse is not the proper role for school personnel.

Definitions

The following are described in order to provide an understanding of the responsibility of the mandated reporter.

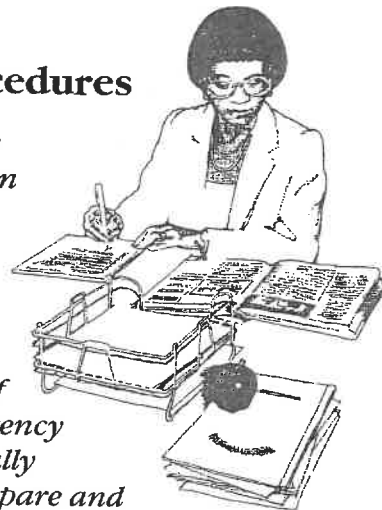
Mandated Reporter means school staff who are required to report cases of suspected child abuse including, but not limited to, the following: administrator, teacher, instructional aide, nurse, psychologist, secretary, clerk, teacher's aide, teacher's assistant, or any classified employee who has received training in child abuse identification and reporting.

Child means a person under the age of 18. Emancipation does not alter the responsibility for reporting abuse of a minor under the California Penal Code.

Child abuse means inflicted physical injury, sexual assault/exploitation, willful cruelty/punishment or child neglect.

Required Reporting Procedures

"Any child care custodian who has knowledge of, or observes a child in his or her professional capacity, or within the scope of his or her employment whom she/he reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident."



Reporting Steps

Telephone report to adult protective services agency of the county or local law enforcement.

Submit a written report within 36 clock hours to the agency contacted by phone.

When two or more mandated reporters have knowledge of a suspected abuse, and there is an agreement, the telephone and written reports may be made by a mutually selected member of the mandated reporting team.

Reporting Form

All units of the office of the Riverside County Superintendent of School shall provide State of California Report of suspected dependent adult/elder abuse forms. Completion of the report must include:

- ❖ identifying information, including name of school
(reporting party may use the school site address and telephone number).
- ❖ name and address of the protective agency, officer's name, telephone number and date and time of call.
- ❖ statements concerning observation of injuries or conditions which are factual and objective.

Liability

Any person knowingly failing to report, when required, is guilty of a misdemeanor punishable by imprisonment in the county jail for a maximum of six months or a \$1,000 fine or both imprisonment and fine.

Confidentiality

It should be emphasized that it is the responsibility of the individual mandated reporter to directly report dependent adult abuse cases to the proper authorities. Due to confidentiality provisions in the law, an employee has no responsibility to report the information to their direct supervisor or school site administration.

Immunity

Mandated reporters who report a known or suspected instance of dependent adult abuse shall not be held civilly or criminally liable for any report required or authorized by Welfare and Institutions Code Section 15600.

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