



ADMINISTRATIVE PROCEDURE

3518

DESERT COMMUNITY COLLEGE DISTRICT

CHILD ABUSE REPORTING

The District recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child (under the age of 18 years) may have occurred. “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 or neglect.” (Penal Code, Section 11166(a)(1))

Definition of Child Abuse or Neglect

“Child abuse” is defined as physical abuse, sexual abuse, and/or serious emotional maltreatment, as well as sexual assault, sexual exploitation, and/or the willful cruelty or unjustifiable punishment of a child; incidents of unlawful corporal punishment or injury against a child; or abuse in out-of-home care. (Penal Code, Section 11165)

“Neglect” means the negligent treatment or 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. It includes the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision such that the child’s health is endangered. (Penal Code, Section 11165.2)

Mandated Reporters

Mandated reporters include faculty members, educational administrators, and classified staff. Volunteers are not mandated reporters but are encouraged to report suspected abuse or neglect of a child. (Penal Code, Section 11165 (b))

Reports of Child Abuse or Neglect

If a mandated reporter suspects child abuse or neglect, he or she must first make a verbal report to the Department of Children & Family Services Child Protection Hotline at 1-800-540-4000. Mandated reporters must report immediately any reasonable suspicion of child abuse to a local child protective agency such as the Hotline and follow up with a written report within 36 hours. (Penal Code, Section 11166(a))

After a verbal report of abuse or neglect is made, the Hotline will provide mandated reporters with a 19-digit referral number which will be needed to complete the mandatory written report. This report of child abuse and/or neglect must be made on Form SS 8572; on the web at http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf.

Immunity and Failure to Report when Required

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code.

Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false (Penal Code, Section 11172(a)).

Any person not mandated by law to report suspected child abuse has immunity 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 (Penal Code, Section 56 11172(a)).

Reporting is an individual responsibility. An employee making a report cannot be required to disclose his or her identity to the employer. (Penal Code, Section 11166(h)(2)) However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code, Section 11166.5(b)).

Obligation and Compliance Information Provided to Mandated Reporters

The District shall provide each mandated reporter with a statement informing him or her of the fact that he or she is a mandated reporter and of his or her reporting obligations and confidentiality rights under Penal Code, Section 11166.5(a) and of his or her confidentiality rights under subdivision Penal Code, Sections 11166.5(a) and 11167(d)(1).

The District shall provide a copy of Penal Code, Sections 11165.7 (Mandated Reporter), 11166 (Report: Duty, Time & Method), and 11167 (Report: Confidentiality of persons reporting) to each mandated reporter, along with the statement. Prior to commencing his or her employment and as a prerequisite to that employment, the employee shall sign and return the statement to the District. The signed statements shall be retained by the District (Penal Code, Section 11166.5).

The District shall distribute this procedure to all mandated reporters.

Offices of Primary Responsibility: Vice Superintendent/Superintendent/President, Student Services and Human Resources

Reference: Penal Code Sections 261,264.1, 273A, 273D, 285, 286, 288, 288A, 289, 647, and 111.64-111.74.3; Welfare and Institutions Code Sections 300, 318, and 601; Family code Sections 7802, 7807, 7808, 7820-7829, 7890, 7892

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