



## MANDATED REPORTING GUIDELINES

Child abuse and neglect are defined by Federal and State laws. The Child Abuse Prevention and Treatment Act (CAPTA) is the Federal legislation that provides minimum standards that States must incorporate in their statutory definitions of child abuse and neglect. For more information on State specific statutes go to [http://www.childwelfare.gov/systemwide/laws\\_policies/state/](http://www.childwelfare.gov/systemwide/laws_policies/state/) .

**Definition:** Child abuse is defined as the severe mistreatment of a child.<sup>1</sup>

- **Physical Abuse:** any non-accidental physical injury to the child and can include striking, kicking, burning, or biting the child, or any action that results in a physical impairment of the child.
- **Emotional Abuse:** injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition, or as evidenced by anxiety, depression, withdrawal, or aggressive behavior.
- **Sexual Abuse:** the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct.
- **Neglect:** deprivation or withholding of adequate food, clothing, shelter, medical care or medical treatment including mental health, or supervision.

### Reportable Situations:

- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- Neglect Situations
- Child exploitation, child pornography and child prostitution
- Extreme corporal punishment resulting in injury
- Willful cruelty or unjustifiable punishment

**Who Reports:** The following individuals are legally mandated reporters:

- Child caretakers/teachers/principals
- Health practitioners

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<sup>1</sup> CAPTA definitions retrieved from Child Welfare Information Gateway @ [www.childwelfare.gov/systemwide/laws\\_policies/statutes/define.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm)

**To Whom Do You Report:** Report to Child Protective Services (800-540-4000), to local law enforcement, such as the police or sheriff's department (Juvenile Sex Crimes Unit), or child welfare agency.

**When to Report:** A telephone report must be made immediately to one of the above named agencies when the reporter oversees a child in his/her professional capacity or within the scope of his/her employment and has knowledge of, or has reasonable suspicion that the child has been abused. A written report (Department of Justice Form SS 8572) must be sent within 36 hours after the telephone report has been made. Form can be retrieved at <http://www.ag.ca.gov/childabuse/forms.php>.

**Individual Responsibility:** Any individual who is named in the reporting law must report abuse. If the individual confers with a supervisor and a decision is made that the superior file the report, one report is sufficient. However, if the supervisor disagrees, the individual with the original suspicion must report.

**Anonymous Reporting:** Mandated reporters are required to give their name. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporters name confidential unless court orders the information disclosed.

**Immunity:** Any legally mandated reporter has immunity when making a report. No individual can be dismissed, disciplined or harassed for making a report of suspected child abuse.

**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.

**Notification Regarding Abuse:** You are not legally required to notify the parents that you are making a report; however, it is often beneficial to let the parent know you are reporting to preserve a future relationship.

**As an employee of SCHOOL I understand that I am a legally mandated reporter. I have clarified any information listed above which I did not understand. I have been notified of and understand the specific internal reporting policies of my school. I am now aware of my reporting responsibilities and am willing to comply.**

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
Employee Position

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date