California Child Abuse & Neglect Reporting Act

Mandated Reporter Training
AB 1432

8/23/22

VUSD

For the future of every student

Child Abuse & Neglect Reporting Act

- AB 1432
  - Assembly Bill 1432 requires all school districts to provide annual training to their employees in child abuse detection and mandatory reporting obligations under the Child Abuse and Neglect Reporting Act ("CANRA")

Overview

- Definitions of child abuse and mandated reporters
- When to report
- Reporting process
- Failure to Report
- Safeguards for mandated reporters
- Closing and questions

Who is a Mandated Reporter?

- Teachers
- Instructional aides
- Teacher's aides or teacher's assistants
- Administrators
- Any employee by a public or private school

What is Child Abuse?

- What is Child Abuse?
  - Physical abuse
  - Willful cruelty or unjustified punishment
  - Unlawful corporal punishment or injury
  - Sexual abuse (including both sexual assault and sexual exploitation)
  - Neglect
  - Emotional/Mental abuse

Physical Abuse

- Physical Abuse Indicators:
  - Clusters or unusual patterns of bruises
  - Multiple bruises in various stages of healing
  - Marks that resemble objects, such as belt buckles, handprints, hairbrushes, wooden spoons, or looped cords
  - Cigarette, rope, iron or immersion burns
  - Missing or loose teeth
  - Absence of hair
  - Cuts on lips or near the eye
  - Bite marks
  - Bleeding beneath the scalp from hair pulling
  - Fractures of bones caused by twisting and pulling

Physical Abuse

- Physical Abuse Behavioral Indicators:
  - Any injury with an improbable explanation
  - Excessive, passive, compliant or fearful behaviors
  - Anxiety
  - Avoids being touched (particularly by adults)
  - Little emotion of any kind
  - Seeks attention/clingy
  - Frightened to go home
  - Constantly complaining of physical aches and pains
  - Withdrawn

Sexual Abuse

- **Child sexual abuse**

  Two main types of child sexual abuse: touching and non-touching.

  - **Touching abuse—**includes touching a child's genitals, making a child touch someone else's genitals, playing sexual games, and/or putting objects or body parts inside the vulva or vagina, in the mouth, or in the anus of a child for sexual pleasure.
  - **Non-touching abuse**—includes showing pornography to a child, exposing a person's genitals to a child, prostituting/trafficking a child, photographing a child in sexual poses, encouraging a child to watch or hear sexual acts either in person or on a video, and/or watching a child undress or use the bathroom.

Sexual Abuse Physical Indicators

- **Sexual Abuse Physical Indicators**
  - Wariness of physical contact
  - Pain, swelling, or itching of the genital area
  - Torn, stained, or bloody underclothing
  - Headaches, stomach pain, loss of appetite, and sleeping problems
  - Difficulty walking or sitting
  - Physical aches and pains
  - Difficulty with bowel movements
  - Blood in the toilet
  - Frequent, unexplained sore throats, yeast, or urinary tract infections
  - Sores in and around the mouth
  - Sexually transmitted diseases/infections
  - Tension, stomach aches
  - Pregnancy

Sexual Abuse Behaviors Indicators

- **Sexual Abuse Behavioral Indicators**
  - Victim's disclosure of sexual abuse
  - Promiscuity in behavior and language
  - Aggressive sexual behavior
  - Sexually acting out with peers
  - Sexual inference in artwork
  - Bizarre, sophisticated or unusual sexual behavior
  - Advanced knowledge of sexual terminology beyond age appropriateness
  - Drastic changes in behavior
  - Ashamed, self-conscious of body
  - Fear of being alone with a previously liked person or activity

Mental & Emotional Abuse

- **Mental Suffering/Emotional Abuse**

  There are six recognized types of emotional abuse, including:

  - **Rejecting** – Communicating to a child through words and conduct that he or she is unwanted and/or worthless.
  - **Ignoring** – Withholding affection or showing little or no interest in a child.
  - **Threatening** – Using threats, cursing and yelling at children.
  - **Isolating** – Prohibiting a child from engaging in appropriate activities with friends or keeping a child away from human contact.
  - **Corrupting** – Exposing a child to drugs, alcohol, criminal behavior or inappropriate sexual conduct.
  - **Exploiting** – Manipulating a child into a forced activity or responsibility without regard for the child's development.

Mental & Emotional Abuse

- **Mental Suffering or Emotional Abuse Behavioral Indicators**
  - Withdrawn, depressed and apathetic
  - Is clingy and forms insecure attachments
  - Acts out and is considered a behavior problem
  - Exhibits exaggerated fearfulness
  - Is overly rigid in conforming to instructions
  - Displays other signs of emotional turmoil
  - Pays excessive attention to detail or no attention to detail at all
  - Little or no verbal or physical communication with others
  - Experiences substances abuse problems

Neglect

- **Neglect of a child, whether "severe" or "general," must be reported if the perpetrator is a person responsible for the child's welfare. (PC 11165.2)**
  - "Severe": the intentional failure of a caregiver to provide adequate food, clothing, shelter, or medical care where injury has occurred or is likely to occur or willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.
  - "General": intentional failure of a caregiver to provide adequate food, clothing, shelter, or supervision, where no physical injury to the child has occurred.

Neglect Physical Indicators

- **Neglect Physical Indicators:**
  - Constantly hungry and malnourished
  - Inappropriately dressed
  - Poor personal hygiene
  - Unattended medical/dental, vision concerns
  - Constant lice problems
  - Signs of prolonged exposure to the elements such as sunburn, insect bites

Neglect Behavioral Indicators

- **Neglect Behavioral Indicators:**
  - Antisocial, disruptive behavior
  - Infrequent school attendance
  - Lies and steals
  - Depressed/withdrawn
  - Developmentally delayed
  - Chronic hunger, tiredness, or lethargy
  - Assuming adult responsibilities
  - Reporting no caretaker at home

When to Report

- **The General Rule:**
  - A mandated reporter must make a child abuse report "whenever the mandated reporter (in his or her professional capacity or within the scope of his or her employment) has knowledge of or observes a child whom the mandated reporter knows or **reasonably suspects** has been the victim of child abuse or neglect…" (Penal Code 11166(a)(1)).

When to Report

- What is "reasonable suspicion" or "reasonably suspects"?
  - For purposes of mandated reporting, "reasonable suspicion/suspects" means it is objectively reasonable for a person to have a suspicion to suspect child abuse or neglect.
  - "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; any "reasonable suspicion" is sufficient.

How to Report

- Reports must be made immediately, or as soon as practicable, by phone.
- A written report must be forwarded within 36 hours of receiving the information regarding the incident. (PC 11166(a)
- www.ag.ca.gov/childabuse/pdf/ss_8572.pdf (report template)
- **To whom to Report?**

➢ Child & Family Services

- 805.654.3200
- HSA-CFS-SCAR@ventura.org (electronically send)
- FAX 805-654-3263
- http://www.ventura.org/human-services-agency/child-protective-services

STATE OF CALIFORNIA
BCIA 8572
(Rev. 04/2017)

DEPARTMENT OF JUSTICE

SUSPECTED CHILD ABUSE REPORT
(Pursuant to Penal Code section 11166)

Print Form | Clear Form

To Be Completed by Mandated Child Abuse Reporters
PLEASE PRINT OR TYPE

CASE NAME: _____

CASE NUMBER: _____

A. REPORTING PARTY

NAME OF MANDATED REPORTER	TITLE	MANDATED REPORTER CATEGORY
REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS Street City Zip		DID MANDATED REPORTER WITNESS THE INCIDENT? ☐ YES ☐ NO
REPORTER'S TELEPHONE (DAYTIME)	SIGNATURE	TODAY'S DATE

B. REPORT NOTIFICATION

☐ LAW ENFORCEMENT ☐ COUNTY PROBATION ☐ COUNTY WELFARE / CPS (Child Protective Services) — AGENCY

ADDRESS Street City Zip — DATE/TIME OF PHONE CALL

OFFICIAL CONTACTED - NAME AND TITLE — TELEPHONE

C. VICTIM (One report per victim)

NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip			TELEPHONE
PRESENT LOCATION OF VICTIM	SCHOOL	CLASS	GRADE
PHYSICALLY DISABLED? ☐ YES ☐ NO	DEVELOPMENTALLY DISABLED? ☐ YES ☐ NO	OTHER DISABILITY (SPECIFY)	PRIMARY LANGUAGE SPOKEN IN HOME
IN FOSTER CARE? ☐ YES ☐ NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: ☐ DAY CARE ☐ CHILD CARE CENTER ☐ FOSTER FAMILY HOME ☐ FAMILY FRIEND ☐ GROUP HOME OR INSTITUTION ☐ RELATIVE'S HOME		TYPE OF ABUSE *(CHECK ONE OR MORE)*: ☐ PHYSICAL ☐ MENTAL ☐ SEXUAL ☐ NEGLECT ☐ OTHER (SPECIFY) _____
RELATIONSHIP TO SUSPECT	PHOTOS TAKEN? ☐ YES ☐ NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? ☐ YES ☐ NO ☐ UNK

D. INVOLVED PARTIES

VICTIM'S SIBLINGS

NAME	BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY
1.				3.			
2.				4.			

VICTIM'S PARENTS/GUARDIANS

NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip	HOME PHONE		BUSINESS PHONE
NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip	HOME PHONE		BUSINESS PHONE

SUSPECT

SUSPECT'S NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip			TELEPHONE
OTHER RELEVANT INFORMATION			

E. INCIDENT INFORMATION

IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX ☐ IF MULTIPLE VICTIMS, INDICATE NUMBER: _____

DATE/TIME OF INCIDENT | PLACE OF INCIDENT

NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect)

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.

Multiple Staff Scenario

- Joint Knowledge – Who Reports?
  - When two or more mandated reporters jointly have knowledge of suspected child abuse or neglect, a single report may be made by the selected member of the reporting team. Any member of the reporting team who has knowledge that the designated person has failed to report must do so immediately. (PC 11166(h))

After the Report is Made

- Feedback to Reporter
  - After the investigation has been completed or the matter reaches a final disposition, the investigating agency shall inform the mandated reporter of the results of the investigation and any action the agency is taking. (PC 11170(b)(2))
- Further follow up after the Report is Made
  - CFS and/or police may contact the reporter to gather further information (if needed) to assist in their investigation.
  - The reporter may also be a witness in any legal proceeding such as criminal court, family court, juvenile court, etc.

Permitted Actions

- "*An amount of force that is reasonable and necessary* for a person employed by or engaged in a public school *to quell a disturbance* " **(Education Code Sec. 49001(a))**
  - threatening physical injury to persons or
  - damage to property
  - for purposes of self-defense
  - to obtain possession of weapons or other dangerous objects within the control of the pupil

Prohibited Actions

- Examples of **prohibited** actions:
  - Hitting, shoving, and/or pushing
  - Physically restraining a student as a means of control (except by actions allowed by EC 49001(a)
  - Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort
  - Paddling, swatting, slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

Failure to Report

- A person who fails to report:
  - guilty of a misdemeanor punishable by up to 6 months in county jail and/or up to a $1000 fine. (PC 11166(c))
- Any reporter who willfully fails to report abuse or neglect, or any person who interferes with a report of that leads to death or great bodily injury:
  - not more than one year in a county jail, by a fine of not more than $5,000, or by both fine and imprisonment. (PC 11166.01(b))

Safeguards for Reporters

- Mandated reporters have protections from criminal or civil liability for reporting as required or authorized by law. [CANRA § 11172(a)]
- Your identity is confidential and will never be shared with the individuals involved in the report.
- Reports are confidential and may be redisclosed only to specified persons and agencies.
  - Any violation of confidentiality provided by CANRA is a misdemeanor punishable by imprisonment, fine, or both. [PC § 11167.5(a)-(b)

Safeguards for Reporters (cont'd)

- Reporters are not liable civilly or criminally for photographing the victim or providing photos that are relevant to the report. (P.C. 11172(a))

Just a Reminder

- **Still not sure if you need to make a report?**
  - Contact Child and Family Services (**805.654.3200**) and request to speak with the Officer of the Day to consult with professional staff.

Resource Materials

- Resource Materials Used:
  - Task Force Recommendations for Investigating Child Abuse Reported by Schools. Prepared by the City Attorney of Los Angeles (January 2000)
  - Child Abuse Prevention Handbook. Prepared by the California Attorney General's Office
  - On-Line Child Abuse Mandated Reporter Training. Prepared by the California Department of Social Services and modified by the Chadwick Center for Children and Families at Rady Children's Hospital – San Diego

Questions?

Thank you for your time!