Date: April 3, 2015

cc: Cabinet
    Jonna J. Lewis
    (all w/ attachments)

To: Sharon L. Reiter
   Associate Vice President for
   Human Resource Services

From: Dr. Steven N. Garcia
      Vice President for Administrative Affairs
      and Chief Financial Officer

Subject: Sub-Delegation of Authority – EXECUTIVE ORDER NO. 1083
         Mandatory Reporting of Child Abuse and Neglect

Pursuant to Executive Order No. 1083, I am sub-delegating to the Associate Vice President for Human Resource Services, the authority to implement and exercise the provisions of said Executive Order subject to the conditions expressed therein.

(w/attachments)
December 21, 2012

MEMORANDUM

TO: CSU Presidents

FROM: Charles B. Reed
       Chancellor

SUBJECT: Mandatory Reporting of Child Abuse and Neglect Executive Order 1083

Attached is a copy of Executive Order 1083, which provides direction on implementing the California Child Abuse and Neglect Reporting Act ("CANRA") (Penal Code §§ 11164-11174.3).

In accordance with policy of the California State University, the campus president has the responsibility for implementing Executive Order 1083 and for maintaining the campus repository and index for all executive orders.

If you have questions regarding this executive order, please call Equal Opportunity/Whistleblower Compliance at (562) 951-4400.

CBR/eb

Attachment

c: Executive Staff, Office of the Chancellor
   Provosts/Vice Presidents, Academic Affairs
   Vice Presidents, Business and Administration
   Associate Vice Presidents, Academic and Faculty Affairs
   Human Resources Directors
   Equal Employment Opportunity Directors
Executive Order 1083

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4400

Executive Order: 1083
Effective Date: January 1, 2013
Supersedes: No Prior Executive Order
Title: Mandatory Reporting of Child Abuse and Neglect

This executive order provides direction on implementing the California Child Abuse and Neglect Reporting Act ("CANRA") (Penal Code §§ 11164-11174.3), which is intended to protect children from abuse and neglect. On September 24, 2012, the Governor signed into law amendments to CANRA, which take effect January 1, 2013.

CANRA sets forth legal obligations of persons who are "mandated reporters" of child abuse or neglect. This executive order:

- Establishes who is a mandated reporter within the CSU;
- Identifies the responsibilities of mandated reporters;
- Provides forms and training resources for mandated reporters;
- Identifies information that must be included on job postings/position announcements and job descriptions;
- Requires each campus to designate a Mandated Reporting Coordinator; and
- Specifies the responsibilities of the campus Mandated Reporting Coordinator.

I. PERSONS WHO ARE REQUIRED TO REPORT

CANRA identifies more than 40 employment positions with specified responsibilities as mandated reporters, including teachers and, as of January 1, 2013, university employees whose duties involve regular contact with children, or who supervise employees whose duties involve regular contact with children. For purposes of this policy, all CSU employees are designated mandated reporters. Volunteers are not mandated reporters.

As designated mandated reporters, all employees are required to report suspected child abuse or neglect.
II. WHEN REPORTING IS REQUIRED

Whenever an employee, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a child (i.e., a person under the age of 18 years) whom the employee knows, or reasonably suspects, to have been the victim of child abuse or neglect, the employee must report the incident.

An employee should reasonably suspect child abuse or neglect whenever “it is objectively reasonable ... 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 § 11166(a)). Facts upon which a reasonable suspicion may arise do not have to have been witnessed by the employee, but rather can be learned from other sources.

The employee may seek assistance from the campus Mandated Reporting Coordinator, whose duties are described below. However, the employee is personally responsible for determining when reporting is called for and following the reporting procedures identified in this executive order.

III. ABUSE THAT MUST BE REPORTED

Employees must report the following types of abuse or neglect:

- **Physical injury** inflicted by other than accidental means on a child
- **Sexual abuse** meaning sexual assault or sexual exploitation of a child
- **Neglect** meaning the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare
- **Willful harming or injuring or endangering a child** meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child’s health is endangered
- **Unlawful corporal punishment** or injury willfully inflicted upon a child and resulting in a traumatic condition

IV. WHAT IS NOT CHILD ABUSE?

The following is not child abuse for reporting purposes:

- Corporal punishment that is not cruel or inhumane or does not result in a traumatic condition
Executive Order 1083

- Injuries caused by two children fighting during a mutual altercation
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property
- Voluntary sexual conduct between minors
- Not receiving medical treatment for religious reasons
- An informed and appropriate medical decision made by a parent or guardian after consultation with a physician who has examined the child

V. MANDATED REPORTING COORDINATOR

Each campus president shall designate a “Mandated Reporting Coordinator.” The Coordinator must be a Management Personnel Plan employee. The Coordinator should not be an employee within the campus police department, given the separate role each has with regard to reported child abuse incidents, as explained in other sections of this executive order.

The Coordinator will have direct or oversight responsibilities for the following:
- Ensuring that the statement described below appears in the position announcement and position description of all CSU positions
- Ensuring that all employees are provided with Attachments A through D
- Ensuring that written resources the campus controls contain the most current information
- Tracking employees’ completion of Attachments A and B
- Assisting employees in carrying out their reporting responsibilities
- Taking measures, if necessary, to ensure that employees are not impeded in performing their duties
- Coordinating and consulting with campus administrators to develop, implement, and ensure the effectiveness of campus practices necessary to carry out the campus’s responsibilities under this executive order
- Coordinating and consulting with campus administrators and University Counsel, as necessary, to ensure that reported incidents of suspected child abuse or neglect are properly handled by the university
VI. PROCEDURE FOR REPORTING

Employees must report suspected child abuse or neglect:

- **Immediately, or as soon as practically possible:** Call the campus police department
- **Within 36 hours of receiving the information concerning the incident:** Complete Form SS 8572 (included as Attachment D) and send, fax, or electronically transmit it to the campus police department

**Note:** In case of an emergency or if a crime is in progress, employees should always immediately call campus police or 911.

At the time of the phone call to the campus police department, the employee must provide the following information, if known:

- Name, business address, and telephone number of the employee
- Child's name, address, and present location
- Names, addresses, and telephone numbers of the child's parents or guardians
- Source of information that led to the suspicion of child abuse
- Name, address, telephone number, and other personal information of person(s) who might have abused the child

The employee is not excused from making a report where some of this information is not known or is uncertain.

The CSU encourages employees to also report suspected child abuse or neglect to their supervisors. However, reporting to a supervisor, a coworker, or some other person is not a substitute for making a mandated report to the agencies listed above.

The Coordinator shall be available to assist employees in identifying whether there is a reasonable suspicion that abuse has occurred and how to report it, as well as provide employees with appropriate resources. Whenever the Coordinator will be on vacation or otherwise unavailable, another Management Personnel Plan employee must be designated to assume this responsibility. Because of the extremely short reporting timelines, the Coordinator must be able and willing to respond to inquiries from employees on an urgent basis (i.e., within 24 hours and sometimes sooner).

VII. INTERNAL CSU PROCEDURES FOLLOWING REPORT OF ABUSE

The Coordinator must evaluate every instance of abuse and determine any actions to be taken by the campus. The Coordinator must notify and/or consult with the following campus administrators, as appropriate:

- Campus police department
- University Counsel
- Human Resources and/or Faculty Affairs (if employees are involved)
- Faculty Affairs (if faculty employees are involved)
- Student Affairs (if students are involved)
- Title IX Coordinator (if sexual abuse is involved)
- Parents or guardians of the child (but not a parent or guardian who is an alleged abuser)

The campus police department shall promptly convey all information it receives about any incident of child abuse to the campus Coordinator. The Coordinator will use his/her judgment to determine whether anyone else should be notified or consulted.

The actions to be taken will vary depending on the facts of each incident. Facts relevant to the determination of appropriate steps for the campus to take include:

- The relationship of the child to the campus
- The relationship of the alleged abuser to the campus
- Whether the campus has authority, control, or influence over the actions of the alleged abuser
- Whether the abuse occurs on university premises, at an official activity of, or program conducted by, the CSU

Actions may involve some or all of the following:

- Cooperating with any external investigation conducted by outside agencies
- Implementing interim measures to protect the safety of the child
- Conducting a timely investigation into the reported incident
• Executing actions in response to the findings of the campus investigation, designed to remedy the effects on the child, prevent future incidents, and protect the campus community, if applicable

VIII. IMMUNITY AND CONFIDENTIALITY OF REPORTER

Mandated reporters are not civilly or criminally liable for their reports. (Penal Code § 11172(a)). The identity of the person who reports and the report are confidential and disclosed only among appropriate agencies. (Penal Code § 11167(d)).

IX. PENALTY FOR FAILURE TO REPORT ABUSE OR IMPEDING REPORT

A mandated reporter who fails to make a required report, or any administrator or supervisor who impedes or inhibits a report, is guilty of a misdemeanor punishable by up to six months in jail, a fine of $1,000, or both. Where the abuse results in death or great bodily injury, the mandated reporter or administrator or supervisor who impeded or inhibited the report shall be punished by up to one year in jail, a fine of $5,000, or both.

It is not anticipated that a failure to make a required report would form an independent basis for employee discipline, but any final determination on this issue will be made by the president on a case-by-case basis, taking into account all the circumstances of the case and the position held by the employee.

X. WRITTEN ACKNOWLEDGMENT OF LEGAL RESPONSIBILITY TO REPORT ABUSE

All employees are required to sign a written statement provided by their campus, which states that the employee knows his/her legal reporting obligations and will comply with them. Attachment A functions as a notification to each employee that he/she is a mandated reporter and an acknowledgment from that employee that he/she has been notified. All employees must complete Attachment A within four weeks of this executive order taking effect, or for future employees, within four weeks of their start date.

XI. CERTIFICATION OF COMPLETED TRAINING

Online CSU specific training will be developed and required for all employees. In the interim, until such training is developed, employees will be provided a written summary of topics related to mandated reporting. All employees must certify that they have completed the online training by completing Attachment B within eight weeks of the training being made available to the employee.
XII. POSITION ANNOUNCEMENT/POSITION DESCRIPTION REQUIREMENTS

The position announcements (also known as “vacancy” announcements) and the position descriptions for all CSU positions shall state that compliance with CANRA and this executive order are a condition of employment in language similar to the following: “The person holding this position is considered a ‘mandated reporter’ under the California Child Abuse and Neglect Reporting Act and is required to comply with the requirements set forth in CSU Executive Order 1083 as a condition of employment.” Existing position announcements and position descriptions for all CSU positions shall be revised to include this language either at the time a recruitment to fill the position is open or at the time the position description is next scheduled for a periodic review by campus Human Resources, whichever is earlier.

Attachments:

Attachment A (Acknowledgment of Mandated Reporter Status and Legal Duty to Report Child Abuse and Neglect)

Attachment B (Certificate of Training Completion)

Attachment C (California Child Abuse and Neglect Reporting Act, Penal Code §§ 11165.7, 11166, and 11167)

Attachment D (Form SS 8572, Suspected Child Abuse Report)

Charles B. Reed, Chancellor

Dated: December 21, 2012
EXECUTIVE ORDER 1083
ATTACHMENT A

ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS
AND LEGAL DUTY TO REPORT CHILD ABUSE AND NEGLECT

California law requires certain people to report known or suspected child abuse or neglect. For purposes of Executive Order 1083, which implements California law, you are such a person, known in the law as a “mandated reporter.” The law requires that you, as a mandated reporter, sign this statement that you know your legal reporting obligations, summarized below, and will comply with them.

The definition of mandated reporter (Penal Code § 11165.7), along with the law describing your reporting obligations (Penal Code § 11166) and the law describing the content of reports and the confidentiality of those who report (Penal Code § 11167) is provided in Attachment C to CSU Executive Order 1083. The Executive Order and all its attachments are available at http://calstate.edu/oe/OE-1083.html.

WHEN REPORTING ABUSE IS REQUIRED
As a mandated reporter, whenever in your professional capacity or within the scope of your employment you have knowledge of or observe a person under the age of 18 years whom you know or reasonably suspect has been the victim of child abuse or neglect, you must report the suspected incident (Penal Code § 11166).

MANDATED REPORTING COORDINATOR
Each campus has a Mandated Reporting Coordinator (Coordinator), who is available to assist you and other mandated reporters in performing their duties. Your Coordinator is [name], who can be reached at [email] and [phone no.]. The Coordinator can help with identifying whether there is a reasonable suspicion that abuse has occurred and how to report it, as well as provide you with appropriate resources.

PROCEDURE FOR REPORTING
To make a report, you must use the following procedure:
- Immediately, or as soon as practically possible, contact the campus police by telephone.
- Within 36 hours of receiving the information concerning the incident prepare a written report using the form provided in Attachment D and send, fax or electronically transmit the report to the campus police (Penal Code § 11166).

The Coordinator can help you fill out the incident form.

The CSU encourages, but does not require, mandated reporters to also report suspected child abuse or neglect to their supervisors. Reporting to a supervisor, a coworker, or other person shall not be a substitute for making a mandated report to the agencies listed above.

ABUSE THAT MUST BE REPORTED
Physical injury inflicted by other than accidental means on a child (Penal Code § 11165.6).

Sexual abuse meaning sexual assault or sexual exploitation of a child (Penal Code § 11165.1).

Neglect meaning the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare (Penal Code § 11165.2).

Willful harming or injuring or endangering a child meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child’s health is endangered (Penal Code § 11165.3).
Unlawful corporal punishment or injury willfully inflicted upon a child and resulting in a traumatic condition (Penal Code § 11165.4).

WHAT IS NOT CHILD ABUSE?
The law does not consider the following child abuse for reporting purposes:
- Corporal punishment that is not cruel or inhumane or does not result in a traumatic condition
- Injuries caused by two children fighting during a mutual altercation (Penal Code § 11165.4)
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment (Penal Code § 11165.6)
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property (Penal Code § 11165.4)
- Voluntary sexual conduct between minors
- Not receiving medical treatment for religious reasons (Penal Code § 1165.2(b))
- An informed and appropriate medical decision made by a parent or guardian after consultation with a physician who has examined the child (Penal Code § 11165.2(b))

IMMUNITY AND CONFIDENTIALITY OF REPORTER
No mandated reporter shall be civilly or criminally liable for any report required or authorized by law (Penal Code § 11172(a)). The identity of a mandated reporter who makes a report, and the report itself, is confidential and disclosed only among appropriate agencies (Penal Code §§ 11167(d)(1)).

PENALTY FOR FAILURE TO REPORT ABUSE
A mandated reporter who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail, a fine of $1,000, or both. Any mandated reporter who willfully fails to report abuse or neglect, or any administrator or supervisor who impedes or inhibits a report of abuse, where that abuse results in death or great bodily injury, shall be punished by up to one year in jail, a fine of $5,000, or both.

COPY OF THE LAW
I acknowledge being provided with copies of Penal Code sections 11165.7, 11166, and 11167.

ACKNOWLEDGEMENT OF RESPONSIBILITY
I have read the above statement and will comply with the applicable reporting requirements.

Employee’s Name: ___________________________  Dept.: __________________

Signature: ___________________________  Date: __________________

Enclosed are the following attachments to CSU Executive Order 1083
- Attachment A [THIS ACKNOWLEDGEMENT]
- Attachment B (Certificate of Training Completion)
- Attachment C (Copy of Penal Code §§ 11165.7, 11166, and 11167)
- Attachment D (Form SS 8572, Suspected Child Abuse Report form)

NOTE: The original signed version of this Acknowledgement (Attachment A) as well as Attachment B should be retained in the Employee’s Official Personnel File. The Employee must be given a copy.
Certificate of Training Completion

Instruction to employee: Please complete and submit this form to your campus upon completion of the training. Completion of this form is requisite to continuing in your position with the CSU. Thank you for your cooperation.

By signing below, I certify that I have completed the requisite training on the California Child Abuse and Neglect Reporting Act and my obligations to report suspected child abuse or neglect.

Name: ........................................
Job Title: ........................................
Dept / Office: ........................................
Office Phone: (_____) _____-__________
Office Email: ........................................

Signature: ........................................ Date: ________________

Instruction to the campus: Please file the original of this form in the employee’s official personnel file and provide the employee a copy of the form.
California Child Abuse and Neglect Reporting Act
Penal Code Sections 11165.7, 11166, and 11167

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:
   (1) A teacher.
   (2) An instructional aide.
   (3) A teacher's aide or teacher's assistant employed by a public or private school.
   (4) A classified employee of a public school.
   (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
   (6) An administrator of a public or private day camp.
   (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
   (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
   (9) 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.
   (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
   (11) A Head Start program teacher.
   (12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.
   (13) A public assistance worker.
   (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
   (15) A social worker, probation officer, or parole officer.
   (16) An employee of a school district police or security department.
   (17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.
   (18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
   (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
   (20) A firefighter, except for volunteer firefighters.
   (21) A physician and surgeon, psychiatrist, psychologist, dentist,
resident, intern, podiatrist, chiropractor, licensed nurse, dental
hygienist, optometrist, marriage and family therapist, clinical
social worker, professional clinical counselor, or any other person
who is currently licensed under Division 2 (commencing with Section
500) of the Business and Professions Code.

(22) An emergency medical technician I or II, paramedic, or other
person certified pursuant to Division 2.5 (commencing with Section
1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913
of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in
subdivision (c) of Section 4980.03 of the Business and Professions
Code.

(25) An unlicensed marriage and family therapist intern registered
under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor
for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor
as specified in subdivision (e) of Section 11166. As used in this
article, "commercial film and photographic print or image processor"
means a person who develops exposed photographic film into negatives,
slides, or prints, or who makes prints from negatives or slides, or
who prepares, publishes, produces, develops, duplicates, or prints
any representation of information, data, or an image, including, but
not limited to, any film, filmstrip, photograph, negative, slide,
photocopy, videotape, video laser disk, computer hardware, computer
software, computer floppy disk, data storage medium, CD-ROM,
computer-generated equipment, or computer-generated image, for
compensation. The term includes any employee of that person; it does
not include a person who develops film or makes prints or images for
a public agency.

(30) A child visitation monitor. As used in this article, "child
visitation monitor" means a person who, for financial compensation,
acts as a monitor of a visit between a child and another person when
the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the
purposes of this article, the following terms have the following
meanings:

(A) "Animal control officer" means a person employed by a city,
county, or city and county for the purpose of enforcing animal
control laws or regulations.

(B) "Humane society officer" means a person appointed or employed
by a public or private entity as a humane officer who is qualified
pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section
11166. As used in this article, "clergy member" means a priest,
minister, rabbi, religious practitioner, or similar functionary of a
church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in
this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's
department, county probation department, or county welfare
department.

(35) An employee or volunteer of a Court Appointed Special
Advocate program, as defined in Rule 5.655 of the California Rules of
Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) A clinical counselor intern registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions.
(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.5 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. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "reasonable suspicion" means that 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 or her training and experience, 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. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.
(3) Any report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If after reasonable efforts a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars ($1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a
duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) Any commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practically possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) Any commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or material are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports.
pursuant to an established reporting process authorized by subparagraph (B) of paragraph (41) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or 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 an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement 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.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or
electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal 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 is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent
materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

(e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.

(f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.
SUSPECTED CHILD ABUSE REPORT
To Be Completed by Mandated Child Abuse Reporters
Pursuant to Penal Code Section 11166

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
- OFFICIAL CONTACTED - TITLE
- TELEPHONE
- NAME (LAST, FIRST, MIDDLE)
- BIRTHDATE OR APPROX. AGE
- SEX
- ETHNICITY
- ADDRESS
- STREET
- CITY
- ZIP
- TELEPHONE
- 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
- ONE REPORT PER VICTIM

C. VICTIM

D. INVOLVED PARTIES

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 incidents involving the victim(s) or suspect)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

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 a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY- Police or Sheriff's Department;  BLUE COPY- County Welfare or Probation Department;  GREEN COPY- District Attorney's Office;  YELLOW COPY- Reporting Party
DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: http://www.leginfo.ca.gov/calaw.html (specify “Penal Code” and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

• Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE (“DESIGNATED AGENCIES”)

• Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff’s department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

• Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated 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. (PC Section 11166(a).)

• No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS (Continued)

• SECTION B - REPORT NOTIFICATION: Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.

• SECTION C - VICTIM (One Report per Victim): Enter the victim’s name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher’s name or room number), and grade. List the primary language spoken in the victim’s home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim’s relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim’s death.

• SECTION D - INVOLVED PARTIES: Enter the requested information for: Victim’s Siblings, Victim’s Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).

• SECTION E - INCIDENT INFORMATION: If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

• Reporting Party: After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.

• Designated Agency: Within 36 hours of receipt of Form SS 8572, send white copy to police or sheriff’s department, blue copy to county welfare or probation department, and green copy to district attorney’s office.

ETHNICITY CODES

<table>
<thead>
<tr>
<th>Code</th>
<th>Ethnicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Alaskan Native</td>
</tr>
<tr>
<td>2</td>
<td>American Indian</td>
</tr>
<tr>
<td>3</td>
<td>Asian Indian</td>
</tr>
<tr>
<td>4</td>
<td>Black</td>
</tr>
<tr>
<td>5</td>
<td>Cambodian</td>
</tr>
<tr>
<td>6</td>
<td>Caribbean</td>
</tr>
<tr>
<td>7</td>
<td>Central American</td>
</tr>
<tr>
<td>8</td>
<td>Chinese</td>
</tr>
<tr>
<td>9</td>
<td>Ethiopian</td>
</tr>
<tr>
<td>10</td>
<td>Filipino</td>
</tr>
<tr>
<td>11</td>
<td>Guamanian</td>
</tr>
<tr>
<td>12</td>
<td>Hawaiian</td>
</tr>
<tr>
<td>13</td>
<td>Hispanic</td>
</tr>
<tr>
<td>14</td>
<td>Hmong</td>
</tr>
<tr>
<td>15</td>
<td>Japanese</td>
</tr>
<tr>
<td>16</td>
<td>Korean</td>
</tr>
<tr>
<td>17</td>
<td>Laotian</td>
</tr>
<tr>
<td>18</td>
<td>Mexican</td>
</tr>
<tr>
<td>19</td>
<td>Other Asian</td>
</tr>
<tr>
<td>20</td>
<td>Other Pacific Islander</td>
</tr>
<tr>
<td>21</td>
<td>Polynesian</td>
</tr>
<tr>
<td>22</td>
<td>Polynesian</td>
</tr>
<tr>
<td>23</td>
<td>Samoan</td>
</tr>
<tr>
<td>24</td>
<td>South American</td>
</tr>
<tr>
<td>25</td>
<td>Vietnamese</td>
</tr>
<tr>
<td>26</td>
<td>White</td>
</tr>
<tr>
<td>27</td>
<td>White-Armenian</td>
</tr>
<tr>
<td>28</td>
<td>White-Central American</td>
</tr>
<tr>
<td>29</td>
<td>White-European</td>
</tr>
<tr>
<td>30</td>
<td>White-Middle Eastern</td>
</tr>
<tr>
<td>31</td>
<td>White-Romanian</td>
</tr>
</tbody>
</table>