



**OFFICE OF THE SUPERINTENDENT
School Safety and Emergency Preparedness
Los Coyotes Site – Ext. 8205**

December 2007

To: All Schools and Offices

From: Thomas W. Hickman
Chief of School Safety and Emergency Preparedness (Acting)

Subject: **REPORTING SUSPECTED CHILD ABUSE**

Under California law, all school employees are responsible for reporting suspected child abuse to proper authorities immediately by telephone and with an on-line or written follow-up report. The duty to report child abuse is an individual one; however, a single report may be made if two or more school employees have knowledge of the same suspected abuse (PC 11166[g]). School administrators may neither impede nor inhibit the reporting process in any way (PC 11166[h]).

The following are procedures for reporting suspected child abuse by all schools and employees in the school district. Current legislation permits employees to withhold their identity from the school district when reporting suspected child abuse. However, employees should understand that the law does not permit completely anonymous reports. Employees are still required to disclose their identity to investigative agencies when reporting suspected child abuse and will be contacted by agency personnel during the resulting investigation.

Site administrators should take appropriate steps to apprise all school staff of their legal responsibility to report suspected child abuse and of these reporting procedures.

A. Reporting Procedure

1. All cases of suspected child abuse should be reported immediately upon discovery to the L.A. County Child Abuse Hot Line at (800) 540-4000 and to one of the following law enforcement agencies dependent upon the location where the suspected child abuse occurred.

If the child is in *imminent* danger, call 911 immediately.

Long Beach Police Department	(562) 570-7321
Lakewood Sheriff's Station	(562) 866-9061
Avalon Sheriff's Station	(310) 510-0174
CSU Dominguez Hills	(310) 243-3639
Orange County Sheriff's Office	(714) 647-7000
Signal Hill Police Department	(562) 989-7200

2. School District mandated reporters may file the Department of Justice form, **"Suspected Child Abuse Report"** (PC11166, rev. 1/93), on-line or by mail.
 - a. **To report on-line:** Access the DCFS website at <http://dcfs.co.la.ca.us/index.html>. **Click on "For Mandated Reporters Only"** and follow the instructions on the website. Prior to using the on-line system, reporters must call the hotline at **(800) 540-4000** to obtain a 19-digit referral number to complete the "Suspected Child Abuse Report" form.
 - b. **To send by mail:** Complete form and send to L.A. County Department of Children and Family Services within 36 hours of the telephone report. Complete as much of the form as possible from knowledge of the incident and school records. **To request blank forms, call (800) 540-4000.**

Section B of the form, Reporting Party, should include the name, title and work location (school name) of the school employee submitting the report. The address (including zip code) and telephone number should be those of the school, NOT the home address and telephone number of the reporting party.

Section C of the form, Report Sent To, should contain the information obtained from the Intake Worker at the Child Abuse Hotline or law enforcement contact.

Section D of the form, Parents, should include the full name of both parents. DCFS files child abuse cases under the mother's name or the father's name if no mother is in the home. Also, indicate the language spoken in the home if other than English. This notation should be written above the line provided for the names of the parents.

Section E of the form, Incident Information, Item 4 should be the child's version of what happened.

3. When you submit the Suspected Child Abuse Report to L.A. County Department of Children and Family Services (DCFS) or law enforcement contact, the yellow copy should be removed and kept by the reporting person. Although there is no obligation to do so, the reporting party should retain the copy of the Child Abuse Report in a personal file for at least twelve (12) months in case the reporting party is subpoenaed to testify in a subsequent court action concerning the incident. The copy of the report would be useful in recalling specific details of the incident.
4. Send a photocopy of the completed child abuse report to the Chief of School Safety and Emergency Preparedness with your name and other identifying information in Part B of the form blocked out or otherwise obliterated.
5. At the top of the photocopy you are sending to the Chief of School Safety and Emergency Preparedness, indicate HIGH SCHOOL, MIDDLE SCHOOL, ELEMENTARY, HEAD START, CDC, etc.

B. Interview of Child Abuse Victims at School

1. California law permits representatives of child protective agencies (Police, Sheriffs, and Children's Services) to interview victims of child abuse during school hours on school premises. Legislation enacted in 1987 now authorizes a child who is to be interviewed at school to select an adult who is a member of the school staff to be present at the interview. However, the staff member may not participate in the interview nor may the staff member discuss the facts or circumstances of the case with the child or anyone else. The sole purpose of the staff person's presence at the interview is to lend support to the child and enable him or her to be as comfortable as possible.
2. The law further provides that all such interviews involving a school staff member shall be held at a time during school hours when it does not involve an expense to the school. Therefore, requests for the presence of staff members at child abuse interviews that would disrupt classroom instruction and necessitate special arrangement to cover classes or other school activities may be refused by the principal.
3. When a request is made for the presence of a staff member at a child abuse interview, the principal or designee shall inform the staff member so selected of the purpose of his/her presence in the interview and of the confidentiality requirements. The principal shall also inform the staff member that he/she has the legal right to decline to be present at the interview.
4. When the child is to be removed from school and taken into custody by the Child Protective Service representative, the principal or designee must be informed. The representative must leave his/her name and phone number where he/she may be reached and where the child is being taken. The school official shall provide the representative with the name, address, and phone number of the pupil's parents or guardian. Parent notification is the responsibility of the CPS representative.

C. Obtaining Assistance from School Safety Division

School Safety personnel (562) 997-8205 or ext. 8205, are available to advise and assist with any questions or concerns the reporting party may have before or after filing the report with the L.A. County Department of Children and Family Services (DCFS). Questions may also be directed to the Child Abuse Hot Line by calling (800) 540-4000.

D. General Information About Child Abuse and Mandated Reporting

1. Any mandated reporter who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars or both. Failure to report may also result in civil liability if there is subsequent injury to the child. (PC 11172[e])
2. School personnel are not liable either in civil damages or for criminal prosecution for reporting suspected child abuse as required by law. (PC 11166)

3. Investigation of suspected child abuse is not the responsibility of school personnel. The responsibilities of school personnel are: (1) to identify incidents of suspected child abuse, and (2) to report the suspected abuse to proper authorities. (PC 11166)
4. The law provides that the identity of persons who report suspected child abuse shall be confidential and disclosed only by court order. Violations of this provision of the law by investigating agencies should be reported to the School Safety Division for immediate follow up. (PC 11167.5)
5. Not every school report of suspected child abuse will result in a face-to-face investigation by a child protective agency. All such reports are assessed on the basis of endangerment to the child. If the risk of further harm to the child is considered to be low, it is likely that the investigative agency may not intervene. Non-intervention by the agency, however, does not relieve school personnel of the responsibility to submit both telephone and written reports of the suspected abuse.
6. Current legislation requires school employees to report known or suspected instances of physical or sexual abuse of young adults, ages 18-22, enrolled in special education programs. The law is permissive as far as reporting other types of abuse inflicted upon dependent adults.
7. Information revealed by a pupil during a counseling session that leads a counselor to suspect child abuse must be reported to the proper authorities. Such information does not qualify for the pupil/counselor confidentiality privilege under Education Code Section 49602.
8. Not only are staff permitted, but they are required to maintain a safe environment for students. Reasonably restraining a child in order to protect oneself, the child, other children, and staff or property is not child abuse. Recent legislation indicates that child abuse does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil. (PC 11165.4)
9. Child abuse is defined by law as any act of omission or commission that endangers or impairs a child's physical or emotional health and development. This includes the following:
 - a. *Physical injury* which is inflicted by another means on a child by another person. (A child is defined as a person under 18 years of age.) (PC 11165.6)
 - b. *Sexual assault* committed on a child by any person. This includes rape, incest, sodomy, lewd or lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object and child molestation. (PC 11165.1)

A state court of appeal has ruled that minors under the age of 14 who engage in voluntary sexual activity together are not child abuse victims and should not be reported as such. However, school employees would be well advised to share with parents information that may come to them concerning the sexual activities of children under the age of 14.

- c. *Severe neglect* which is negligent failure of any child care custodian to protect the child from severe malnutrition or medically diagnosed failure to thrive. (PC 11165.2[a])
- d. *General neglect* which is negligent failure of any childcare custodian to provide adequate food, clothing, shelter, supervision or medical care. (PC 11165.2[b])
- e. *Unlawful corporal punishment*, a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. (PC 11165.4)
- f. *Willful cruelty*, a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering or permits the health of a child to be endangered. (PC 11165.3)

dm

Attachment

- c: Deputy Superintendent
Assistant Superintendent, Elementary Schools
Assistant Superintendent, Middle & K-8 Schools
Assistant Superintendent, High Schools

Publication authorized:

Signature on File

Christopher Steinhauser
Superintendent of Schools