

Mandated Reporting

Glenkirk Church follows the Child Abuse and Neglect Reporting Act (CANRA) which is part of the California Penal Code. California law requires that those who have “reasonable suspicion” of child or elder abuse or neglect are mandated to report it. If you have knowledge of or observe a child or elder whom you suspect has been the victim of abuse or neglect, you must report it immediately to the county welfare department or to a local law enforcement agency. You are not required by law to notify your supervisor or Human Resources, but it will help the church to know of any incident and they can help you file the report.

What is a mandated reporter?

- A mandated reporter is someone who is required by law to report any cases or suspected cases of abuse or neglect to the appropriate legal authorities.
- These are typically people who work with, or in close contact with children or elders.
 1. The state of California defines a “child” as anyone under the age of 18. This means that anyone who works with children OR adolescents is included in this.

How do I know if I am a mandated reporter?

- For churches, California law defines a mandated reporter as:
 1. “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.”
 - a. According to Cal. Penal Code 11166(d): A clergy member who acquires knowledge or reasonable suspicion of child abuse during a penitential communication is not required to make a report. 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 has a duty to keep those communications secret. Nothing in this subdivision shall be construed to modify or limit a clergy member’s duty to report known or suspected child abuse when they are acting in some other capacity that would otherwise make them a mandated reporter.
 2. “Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.”
 3. “An administrator or employee of any public or private organization that provides programs or recreation for youth.”
 4. “An administrator of a public or private day camp.” (Yes- this includes VBS!)
 5. “An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children.”
- 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. They are also encouraged to report known or suspected instances of child abuse or neglect.

My job title doesn't fit into any of those descriptions...so now what?

- Even if you do not think that your title is included in this list, you should still recognize the importance of reporting these cases. It would be a good idea to familiarize yourself with the warning signs and things to look out for regardless of whether or not the state of California “mandates” you to report it.
- It's perfectly okay, and it is even encouraged, to report cases of suspected abuse or neglect even if you are not a mandated reporter.
 1. This makes you a “permissive reporter” and you will still receive immunity from liability, as a mandated reporter would, for a good faith report of suspected child abuse.

Abuse or neglect can be defined by any of the following:

- A physical injury inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child.
- 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. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
- The willful harming or endangerment of the person or health of a child, any cruel or inhumane corporal punishment, or any injury resulting in a traumatic condition.

How do I make a report?

- To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below. This legal obligation is not satisfied by making a report of the incident to a supervisor. An appropriate law enforcement agency may be one of the following:
 1. A Police or Sheriff's Department
 - a. City of Glendora Police Department: (626) 914-8250
 2. A County Welfare Department/County Child Protective Services
 - a. Los Angeles County Department of Children and Family Services:
(800) 540-4000
- The report should be made immediately over the telephone and should be followed up in writing. The law enforcement agency has special forms for this purpose that they will ask you to complete. If a report cannot be made immediately over the telephone, then an initial report may be made via e-mail or fax.

What happens after a report is made?

- The local law enforcement agency is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

Rights to confidentiality and immunity:

- Mandated reporters are required to give their names when making a report, however, the reporter's identity is kept confidential. Reports of suspected child abuse are also

confidential. Mandated reporters have immunity from state criminal or civil liability for reporting as required. This is true even if the mandated reporter acquired the knowledge, or suspicion of the abuse or neglect, outside his/her professional capacity or scope of employment.

The importance of filing a report:

- Everyone who has been designated as a mandated reporter is required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a pupil shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.
- A person who fails to make a report that is later proven to have been required is guilty of a misdemeanor that is punishable by up to six months in jail and/or up to a \$1,000 fine. (California Penal Code Section 11166[c])

Abuse and Neglect

Child abuse and neglect:

- Child abuse is more than just broken bones or bruises. While physical abuse is often much more obvious or visible, there are other forms of child abuse that can do just as much harm. This is why it is so important for those individuals who work closely with children to be able to know what exactly might constitute child abuse or neglect and know how to identify potential warning signs.
- Often, red flags for abuse and neglect can be identified by observing a child's behavior at school, recognizing physical signs, and observing dynamics during a child's routine interactions with adults.

Warning signs of emotional abuse in children:

- Excessively withdrawn, fearful, or anxious about doing something wrong.
- Shows extremes in behavior (extremely compliant or extremely demanding; extremely passive or extremely aggressive).
- Doesn't seem to be attached to the parent or caregiver.
- Acts either inappropriately adult-like (taking care of other children) or inappropriately infantile (rocking, thumb-sucking, throwing tantrums).

Warning signs of physical abuse in children:

- Frequent injuries or unexplained bruises, welts, or cuts.
- Is always watchful and “on alert” as if waiting for something bad to happen.
- Injuries appear to have a pattern such as marks from a hand or belt.
- Shies away from touch, flinches at sudden movements, or seems afraid to go home.
- Wears inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

Warning signs of neglect in children:

- Clothes are ill-fitting, filthy, or inappropriate for the weather.
- Hygiene is consistently bad (unbathed, matted and unwashed hair, noticeable body odor).
- Untreated illnesses and physical injuries.
- Is frequently unsupervised or left alone or allowed to play in unsafe situations and environments.
- Is frequently late or missing from school.

Warning signs of sexual abuse in children:

- Trouble walking or sitting.
- Displays knowledge or interest in sexual acts inappropriate to his or her age, or even seductive behavior.
- Makes strong efforts to avoid a specific person, without an obvious reason.
- Doesn’t want to change clothes in front of others or participate in physical activities.
- A sexually transmitted disease (STD) or pregnancy, especially under the age of fourteen.
- Runs away from home.

How to talk to a child about suspected abuse:

- **Pick your time and place carefully.**
 1. Choose a space where the child is comfortable or ask them where they’d like to talk. Avoid talking in front of someone who may be causing the harm.
- **Be aware of your tone.**
 1. If you start the conversation in a serious tone, you may scare the child, and they may be more likely to give you the answers they think you want to hear—rather than the truth. Try to make the conversation more casual. A non-threatening tone will help put the child at ease and ultimately provide you with more accurate information.
- **Talk to the child directly.**
 1. Ask questions that use the child’s own vocabulary, but that are a little vague. For example, “Has someone been touching you?” In this context “touching” can mean

different things, but it is likely a word the child is familiar with. The child can respond with questions or comments to help you better gauge the situation like, “No one touches me except my mom at bath time,” or “You mean like the way my cousin touches me sometimes?” Understand that sexual abuse can feel good to the child, so asking if someone is “hurting” them may not bring out the information that you are looking for.

- **Listen and follow up.**

1. Allow the child to talk freely. Wait for them to pause, and then follow up on points that made you feel concerned.

- **Avoid judgment and blame.**

1. Avoid placing blame by using “I” questions and statements. Rather than beginning your conversation by saying, “You said something that made me worry...” consider starting your conversation with the word “I.”

- **Reassure the child.**

1. Make sure that the child knows that they are not in trouble. Let them know you are simply asking questions because you are concerned about them.

- **Be patient.**

1. Remember that this conversation may be very frightening for the child. Many perpetrators make threats about what will happen if someone finds out about the abuse. They may tell a child that they will be put into foster care or threaten them or their loved ones with physical violence.