

CHILD ABUSE REPORTING

The South Orange County Community College District recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. All District employees are Mandated Reporters. Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child. A child is defined as a person under the age of 18 years.

Child abuse is defined as physical abuse, neglect, sexual abuse, and/or emotional maltreatment of a person under the age of 18 years. This regulation addresses the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child.

“Reasonable suspicion” occurs when “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.”

A child protective agency is a city police or sheriff’s department, probation department, or social services agency. School district police or security departments are not child protective agencies.

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident. Reporting is an individual responsibility. An employee making a report cannot be required to disclose his or her identity to the employer. However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six (6) months in jail and/or up to a \$1,000 fine.

The California Penal Code provides that it is a crime for certain professionals and laypersons who have a special working relationship of contact with children not to report suspected child abuse to the proper authorities. These professionals and laypersons shall report the known or suspected child abuse to a child protective 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.

Mandated Reporters who suspect child abuse or neglect are required by law to contact the County of Orange Social Services Agency, Children and Family Services/Child Abuse Registry, P.O. Box 14102, Orange, CA 92863-1502.

When the Vice President for Student Services or their designee releases a minor student to a peace officer for the purpose of removing the minor from the campus, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has

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been taken into custody as a victim of suspected child abuse. In those cases, the official shall provide the peace officer with the address and telephone number of the minor’s parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act, or the California Student Records Act.

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse.

The District shall provide a mandated reporter with a statement informing the employee that she or he is a mandated reporter and inform the employee of their reporting obligations under Penal Code Section 11166 and of his or her confidentiality rights under subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing their employment and as a prerequisite to that employment, the employee shall sign and return the statement to the District. The signed statements shall be retained by the District.

The District will distribute this regulation to all employees.

References:

- Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;*
- Welfare and Institutions Code Sections 300, 318, and 601;*
- Family Code Sections 7802, 7807, 7808, 7820-7827, 7890, and 7892;*
- Education Code Section 76200, 87044*

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