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. Mandated reporters include faculty, district leadership staff, and classified staff. 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 procedure 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.

Mandated reporters must report immediately any reasonable suspicion of child abuse to a local child protective agency and follow up with a written report within 36 hours. The County of Orange Child Forms are available at:

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false.
When the Vice President for Student Services or his/her designee releases a minor pupil 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 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 SOCCCD shall provide a mandated reporter with a statement informing the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Penal Code Section 11166 and of his or her confidentiality rights under subdivision (d) of Penal Code Section 11167. The SOCCCD shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his or her employment and as a prerequisite to that employment, employee shall sign and return the statement to the SOCCCD. The signed statements shall be retained by the SOCCCD.

The SOCCCD will distribute this procedure 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, 305, 318, and 601;
Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892;
Education Code Section 76200, 87044