



## **Reporting Suspected Child Abuse (Where to Report Suspected Child Abuse)**

Child abuse reports are made to the Department of Children and Family Services (“DCFS”), or to the local law enforcement agency. A list of local law enforcement agencies follows at the end of this section.

### **Department of Children & Family Services (“DCFS”)**

Los Angeles County Department of Children & Family Services  
8300 S. Vermont Avenue  
Los Angeles, CA 9004  
323-965-7060  
<http://dcfs.co.la.ca.us/>

*Reports are responded to 24 hours a day, 7 days a week.*

For children’s centers and preschools, reports must *also* be made to the Department of Social Services (“DSS”).

### **Department of Social Services (“DSS”)**

**To report child abuse in Los Angeles County, California, contact the Child Protection Hotline  
24 hours a day, 7 days a week**

- Toll-free within California, phone (800) 540-4000
- If calling from outside of California, phone (213) 639-4500
- TDD [Hearing Impaired] (800) 272-6699

For Mandated Reporters to report suspected child abuse online: <https://mandreptla.org/>

Condado de Los Angeles -Reporte Abuso de Niños -[http://dcfs.co.la.ca.us/contactus/Abuso\\_Infantil.html](http://dcfs.co.la.ca.us/contactus/Abuso_Infantil.html)

### **Law Enforcement Departments – Abused Child Units**

The following is a partial list of local law enforcement departments which can legally accept mandated reports of child abuse:

#### **City Jurisdiction**

##### **City of Santa Monica**

Santa Monica Police Dept.-Main Station  
333 Olympic Drive  
Santa Monica, CA 90401  
310-395.9931



## FREQUENTLY ASKED QUESTIONS

### **1. I THOUGHT COLLEGE STUDENTS WERE ADULTS. WHY ARE WE SUBJECT TO THIS LAW?**

Santa Monica College has a number of students who are under the age of 18. These students are children within the definition of the law.

### **2. EMPLOYEES WHO HAVE REASONABLE SUSPICION OF CHILD ABUSE MUST REPORT THE SUSPECTED ABUSE, SO WHAT DOES A "REASONABLE SUSPICION" MEAN?**

Reasonable suspicion means it is objectively reasonable for a person, based on facts that could cause a reasonable person, drawing on his/her experience, to suspect child abuse. You may ask a child "what's wrong?" and get a response that leads to reasonable suspicion.

### **3. MAY AN EMPLOYEE USE ANY SOURCE OF INFORMATION TO ACQUIRE REASONABLE SUSPICION OF ABUSE?**

Yes, an employee can use any source, such as the victim, friend, third parties, and oral/written words.

### **4. IF AN EMPLOYEE HAS REASONABLE SUSPICION, MAY THE EMPLOYEE INVESTIGATE AND CONFIRM THE CHILD ABUSE?**

No, the employee should not attempt to verify that the abuse occurred.

### **5. DOES CHILD ABUSE ONLY INCLUDE PHYSICAL AND/OR SEXUAL ABUSE?**

No, child abuse can also include neglect (failure of caregiver to protect the child or provide adequate food, shelter, medical care or supervision), mental cruelty, life endangerment (willfully causing a child to endure mental suffering or placing the child in a situation where his mental or physical health is in danger) and cruel or inhuman "corporal" punishment or injury (resulting in a traumatic condition).

### **6. DOES AN EMPLOYEE'S KNOWLEDGE OF A STUDENT'S PREGNANCY IN AND OF ITSELF REQUIRE THE EMPLOYEE TO FILE A REPORT?**

No, unless sexual abuse is suspected.

### **7. WHEN TWO OR MORE EMPLOYEES HAVE REASONABLE SUSPICION OF CHILD ABUSE, CAN THEY AGREE ONE WILL MAKE THE REPORT?**

Yes. A joint report may be submitted by one of the two employees per mutual agreement. However, each employee must ascertain that the report was made, because reporting is an individual duty.

**8. MAY AN EMPLOYEE WAIT UNTIL THE END OF THE DAY OR WEEK TO REPORT?**

No, the law requires that the report by phone call be made immediately or as soon as possible and the written report mailed within 36 hours. Even if the 36 hour time limit has lapsed, the employee must still file the written report.

**9. MAY REPORTS BE MADE TO SANTA MONICA COLLEGE POLICE?**

No, the law requires that school district police are not authorized to receive reports.

**10. HOW SHOULD STAFF RESPOND TO A PARENT/ALLEGED PERPETRATOR WHO IS REQUESTING INFORMATION ABOUT THE REPORT (I.E. WHO, WHAT, WHERE, WHEN, AND WHY)?**

Child abuse reports are confidential; therefore, staff should not provide the parent with specific information concerning the report. The parent/alleged perpetrator should be referred to the appropriate child protective services agency.

**11. DOES A LAW ENFORCEMENT OFFICER OR SOCIAL WORKER HAVE ACCESS TO THE CHILD'S SCHOOL RECORDS WHEN INVESTIGATING CHILD ABUSE ALLEGATIONS?**

No, unless they have parent's consent, subpoena, or court order; however, they may request to interview anyone in the course of the child abuse investigation.

**12. DURING A CHILD ABUSE INVESTIGATION, MAY DCFS OR THE LOCAL LAW ENFORCEMENT AGENCY TAKE THE CHILD VICTIM INTO PROTECTIVE CUSTODY?**

Yes, a law enforcement official or a DCFS worker may take a student into protective custody. The law does NOT require law enforcement to accompany DCFS when taking the child into custody.

**13. WILL THE DISTRICT DEFEND AN EMPLOYEE IF HE/SHE IS SUED AS A RESULT OF FILING A CHILD ABUSE REPORT?**

Yes, the District will defend an employee who makes a report consistent with District policy against any lawsuits that may be the result of the report.

**14. DOES THE LAW PROVIDE ANY PROTECTION AGAINST LAWSUITS FOR FILING MANDATED REPORTS?**

Yes, the law provides that mandated reporters shall not be civilly or criminally liable for reporting the suspected child abuse.

**15. CAN IMPROPER CONDUCT ON A CAMPUS CONSTITUTE BOTH CHILD ABUSE AND SEXUAL HARASSMENT?**

Yes, a school may have a dual duty to report child abuse and respond to allegations of sexual harassment.

**16. WHERE CAN I GET CHILD ABUSE REPORTING FORMS?**

- Online reporting forms can be found at <https://mandreptla.org/>. Reporting Form § 8572 (for

use by employees) may be down-loaded from the following website: [http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf)

- DOJ 900 (for use by medical professional) may be obtained from DCFS (800/540-4000) or down-loaded from the following website: <http://oag.ca.gov/childabuse/forms>.

#### **17. SHOULD INCIDENTS OF CHILD ABUSE BE NOTED ON A STUDENT'S RECORD?**

No. Incidents of child abuse must be reported to the appropriate child protective services agency. Recording such information on a student's record does not satisfy mandated reporting laws. Also, the record is a student record, under FERPA. Recording incidents of child abuse on a student's record would destroy the confidential nature of the information and may compromise an investigation.

#### **18. KNOWING THAT EVERY SITUATION IS DIFFERENT, WHAT ARE SOME EXAMPLES OF NEGLECT, WILLFUL CRUELTY OR UNJUSTIFIABLE PUNISHMENT, AND MENTAL SUFFERING/EMOTIONAL WELL-BEING?**

Facts and circumstances may differ, so when a mandated reporter is not sure whether or not to file a report, s/he should contact the **Child Protective Services Hotline at 1-800-540-4000**. Some general examples of neglect might include the following:

- The failure to provide adequate food, shelter, and clothing appropriate to the climatic and environmental conditions;
- The failure to provide, whether intentional or otherwise, supervision or a reliable person(s) to provide child care;
- Leaving a child alone for an excessive period of time given the child's age and cognitive abilities;
- Holding the child responsible for the care of siblings or others were beyond the child's ability.

General examples of willful cruelty or unjustifiable punishment might include:

- Chaining the child to furniture;
- Forcing the child to eat or drink excessively as punishment; or
- Cruel or unusual actions used in the attempt to gain submission, enforce maximum control, or to modify the child's behavior.

General examples of mental suffering/emotional mistreatment, which is not required to be reported, might include the following:

- Repeated negative acts or statements directed at the child;
- Exposure to repeated violent, brutal, or intimidating acts or statements among members of the household; rejection of the child;
- Encouraging the child to steal or engage in other illegal activities; or encouraging the child to use drugs and/or alcohol.

#### **19. WHERE CAN I FIND ADDITIONAL TRAINING ON THE RESPONSIBILITIES OF A MANDATED REPORTER?**

Free, online training and information on resources can be found at <http://mandatedreporterca.com/>.



## **California Penal Code §§11165.7, 11166, and 11167**

*California Penal Code § 11166.5(a) requires that all mandated reporters of child abuse and neglect be provided with these statutes.*

### **§ 11165.7. "Mandated reporter"; Training**

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 5.566 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. Duty to report; Mandated reporters; Punishment for violation**

(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 11165.9 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. Required information; Confidentiality of reporter's identity; Advising individual of complaint or allegations**

(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.