

SIERRA COLLEGE

ADMINISTRATIVE PROCEDURE

No. AP3518

Child Abuse Reporting

Date Adopted: 9/7/2004

Date Revised: 5/7/2007

Date Reviewed: 5/7/2007

References: Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, 7892; Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, 11164-11174.3; Welfare and Institutions Code Sections 300, 318, 600

This procedure addresses the reporting of 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.

Mandated reporters, which include all Sierra College staff, must immediately report any reasonable suspicion of child abuse to a local child protective agency and follow up with a written report within 36 hours.

Failure to report suspected child abuse is a misdemeanor and punishable by confinement in county jail for a term not to exceed six (6) months or by a fine of not more than one thousand dollars (\$1,000) or by both. (Penal Code Section 11172e).

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. (Penal Code Section 11172a). 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. (Penal Code Section 11172a)

DEFINITIONS

Child – A person under the age of 18 years.

Child Abuse – A physical injury inflicted by other than accidental means on a child by another person; sexual assault of a child; willful cruelty or unjustifiable punishment of a child INCLUDING MENTAL SUFFERING (Penal Code Section 273a); corporal punishment or injury against a child (Penal Code Section 273d); neglect of a child; or abuse in out-of-home care. (Penal Code Section 11165 et seq.)

NOTE: Also, included are traditional or cultural health practices. Reports of physical evidence of such health practices are required by law.

Sexual Assault – Conduct including rape (Section 261), group rape (Section 264.1), incest (Section 285), sodomy (Section 286), lewd or lascivious acts upon a child under 14 years of age (Section 288a, 288b), oral sex (Section 288a), penetration of a genital or anal opening by a foreign object (Section 289), and child molestation (Section 647a). (Penal Code Section 11165.1)

Neglect – Negligent treatment or maltreatment of a child by a person responsible for a child's welfare such that harm or threatened harm to the child's health or welfare may result. This includes both acts and omissions on the part of the responsible person. (Penal Code Section 11165.2)

Severe Neglect – The negligent failure of a child's caretaker to protect that child from severe malnutrition or medically diagnosed failure to thrive. This includes those situations of neglect where a child's caretaker willfully causes or permits the person or health of that child to be placed in a situation such that his or her person or health is endangered, such as intentionally failing to provide adequate food, clothing or shelter. (Penal Code Section 11165.2 (a))

General Neglect – The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter or supervision even where no physical injury to the child has occurred. (Penal Code Section 11165.2 (b))

Willful cruelty or unjustifiable punishment of a child – A situation where a person willfully causes or permits a child to suffer, or inflicts unjustifiable physical pain or mental suffering on a child, or a situation where a caretaker willfully causes or permits the person or health of the child to be endangered. (Penal Code Section 11165.e)

Corporal punishment or injury – A situation where a person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury that results in a traumatic condition. (Penal Code Section 11165.4)

Abuse in out-of-home care – Physical injury is inflicted upon a child by nonaccidental means, sexual assault or neglect, unlawful corporal punishment, or the willful cruelty or unjustifiable punishment of a child, as defined above, where the child's caretaker is a foster parent or the administrator or an employee of a public or private residential home, school or other institution or agency. This does not include injuries caused by reasonable and necessary force used by a peace officer. (Penal Code Section 11165.5)

Reasonable suspicion – According to the Penal Code, a person has a “reasonable suspicion” when it is objectively reasonable to entertain such 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. (Penal Code section 11166a)

According to the State Office of Child Abuse and Prevention, the following warning signals are sufficient to presume abuse: fractures, lacerations, bruises that cannot be explained or explanations that are not compatible with the injury; unexplained or implausibly explained burns and/or facial injuries; self-destructive behavior; extreme fear or withdrawn behavior around others; complaints by the child of being sexually molested; indications by the child of pain from an inflicted injury; and/or suspicion of substantial neglect.

Examples of incidents that trigger reporting duties include: observing a minor with signs of abuse; hearing of abuse from a fellow employee; reading a minor student’s writing indicating the minor student is being abused; reading an adult student’s writing indicating that he/she abuses his/her child; and/or observing actual abuse.

Child Protective Agency – A police or sheriff’s department, a county probation department, or a county welfare department. (Penal Code Section 11165.9). The College’s Safety and Police Services are expressly not included within the definition of a “Child Protective Agency.”

REPORTERS

The Chancellor’s Office Legal Department has rendered an opinion that all California community college staff members which include faculty, educational administrators, and classified staff are “mandated reporters”.

REPORTING

The person reporting an incident must by telephone immediately contact child protective services and must follow up with a written report within 36 hours.

Child Protective Services:
Placer (530) 889-5700
Sacramento (916) 875-5437
Nevada (530) 265-1301

Child abuse reporting forms are available in Police Services and Counseling.

When a campus Child Development Center director or other college administrator releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the college 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 (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. In those cases, the college 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. (See Education Code Section 76200 et seq.)

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. (Penal Code Section 11167b)

The District will distribute this procedure to all employees. A signature form will be required of every employee. This form will indicate that the employee understands the law and procedures and will comply with this Administrative Procedure.

See Board Policy 3518.