

City of Mission Viejo Personnel Policy

Subject: CHILD ABUSE/NEGLECT REPORTING PROCEDURE

Statement of Intent:

To establish guidelines for the reporting of suspected child abuse and/or neglect as required under [California Penal Code Sections 11164-11174.3](#), known as the Child Abuse and Neglect Reporting Act (CANRA).

Policy:

1. **Who must report:** Mandated reporters of child abuse and neglect are defined in [California Penal Code Section 11165.7](#). The City of Mission Viejo job classifications that are considered to be mandated reporters are shown in Exhibit A. Mandated reporters are required to report any known or reasonably suspected incident of child abuse or neglect according to the procedure established in this policy. Exhibit A may be amended from time to time as job classifications change.
2. **Who may report:** In addition, employees and volunteers who work with minors, or have direct contact with them, are encouraged to report known or suspected instances of child abuse or neglect in accordance with this policy. Exhibit B is a list of the job classifications the City has determined have duties and responsibilities involving minors. Exhibit B may be amended from time to time as job classifications change.

Any other employee or volunteer who knows or reasonably suspects that a minor is a victim of abuse or neglect is encouraged to report such instances in accordance with this policy. For the purposes of this policy, “any other employee or volunteer” includes a mandated reporter who acts in his/her private capacity and not in his/her professional capacity or within the scope of his/her employment with the City of Mission Viejo.

Any other employee or volunteer is not required to include their name when they choose to report known or reasonably suspected child abuse or neglect.

3. **What must be reported:** Any of the below acts involving anyone under the age of 18 years must be reported:
 - Physical Abuse
 - Sexual Abuse
 - Neglect

The Penal Code defines “child abuse and neglect” as including “physical injury or death inflicted by other than accidental means on a child by another person, sexual abuse . . . , neglect . . . , the willful harming or injuring of a child or the endangering of the person or health of a child . . . , and unlawful corporal punishment or injury” Child abuse and neglect does not include a mutual affray between minors. Under the CANRA, a “child” means a person under the age of 18 years.

Although not required to be reported, even by mandated reporters, employees and volunteers may report instances of known or reasonably suspected emotional abuse, in which “a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional

damage, evidenced by states of being or behavior, including, but not limited to, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.”

- 4. Investigations:** In order to be required to file a report of “known or reasonably suspected child abuse or neglect”, a reporter must only have a reasonable suspicion that a child has been abused or neglected; it “does not require certainty that child abuse or neglect has occurred”. A reporter need not conduct an investigation into the incident before making the report of reasonably suspected child abuse and neglect. A reporter has a reasonable suspicion 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”.

Reported instances of child abuse and neglect must be investigated by law enforcement and/or child welfare services. It is important that the investigation of any report of child abuse or neglect be undertaken by those who possess specialized experience, training, authority and discretion to determine whether abuse or neglect of a child actually occurred.

- 5. How to report:** Reports of known or reasonably suspected child abuse and neglect must be made, by mandated reporters, in both of two ways: the initial report must be made by telephone and the follow-up report must be made in writing or electronically.

- a. By Telephone: If the circumstances reflect an imminent danger to a child (or an adult for that matter), you should call **“911” immediately**. If the circumstances do not reflect an imminent danger, you must promptly, make a telephone report to child welfare services or to the Sheriff’s department at these numbers:

Orange County Child Abuse Registry	(714) 940-1000
Orange County Sheriff’s Department	(949) 770-6011

- b. In Writing: Within 36 hours of the initial telephone call, you must follow-up via written or electronic means. You can either use the [Mandated Reporter Online Follow-Up Application](#) or you can complete the [Printable Follow-Up Form](#).
- c. If the Child Abuse Registry or the Sheriff’s Department declines to accept your report, you should document in writing that you attempted to make the report (include the date/time you called and the title and name of the official to whom you spoke) and retain that document in case a failure to report is alleged later.

- 6. Failure to Report is Unlawful:** A “mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect . . . is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of . . . \$1,000 or both” In addition, the City may discipline mandated reporters who fail to comply with the procedures set forth in this policy.

A mandated reporter who notifies their supervisor, a co-worker, the City, or any other person of the known or reasonably suspected child abuse or neglect, but fails to comply with the notice requirements of paragraph 3 above has committed a crime. A mandated reporter must comply with paragraph 3.

No supervisor or administrator may impede or inhibit a mandatory reporter in filing the required telephonic and written reports required by law and this policy. Any supervisor or administrator

who impedes or inhibits a mandatory reporter from complying with paragraph 3 may be punished by not more than six months in a county jail, by a fine of not more than \$1,000, or both. Supervisors or administrators who fail to comply with the procedures set forth in this policy may be subject to discipline up to, and including, termination of employment.

7. **What to do after you have reported by telephone:** When the employee has made certain all children are safe and the required telephone report has been made, the employee is encouraged, but not required, to promptly notify their supervisor, or any other management employee of the City, if the employee feels comfortable doing so.
8. **Training:** Although CANRA training is not required under state law, the City of Mission Viejo believes that educating employees and volunteers regarding their duties and responsibilities under the Child Abuse and Neglect Reporting Act is an essential component of its commitment to protect children and empower its employees. All mandated reporters and those employed in job classifications in which the City of Mission Viejo deem to have direct contact with and/or supervision over minors shall complete training on child abuse and neglect identification and on child abuse and neglect reporting, on a regular and consistent basis. See Exhibit B for a list of job classifications which must complete training.
9. **General:** Mandated reporters are required to sign, in accordance with Penal Code Section 11166.5(a), the attached City “Mandated Reporter of Child Abuse and Neglect Acknowledgement” form, Exhibit C.

“No mandated reporter shall be civilly or criminally liable for any report required or authorized by [the CANRA], and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his or her professional capacity or outside the scope of his or her employment. Similarly, “any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by [the CANRA] unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report.”

Additional Resources:

1. [The California Child Abuse and Neglect Reporting Law – Issues and Answers for Mandated Reporters](#)

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 “Personnel System”, this Personnel Policy is deemed not to have a direct financial impact on the City. The City Manager may implement and amend this policy subject to prior City Attorney legal review and approval, and City Council review.

Implemented: April 24, 2012. (Reviewed by City Council – June 18, 2012 – Resolution No. 12-XX.)
Revised: May 10, 2016. (Reviewed by City Council – May 10, 2016 – Resolution No. 16-19.)

EXHIBIT A

JOB CLASSIFICATIONS DESIGNATED AS MANDATORY REPORTERS UNDER THE CHILD ABUSE AND NEGLECT REPORTING ACT

Full-time Equivalent Positions

1. Animal Services Assistant
2. Animal Services Officer
3. Animal Services Volunteer Coordinator
4. Community Services Coordinator - A
5. Community Services Coordinator - B
6. Community Services Specialist
7. Community Services Supervisor
8. Cultural Services Supervisor
9. Librarian I
10. Librarian II
11. Library Assistant
- 12.
13. Library Manager
14. Public Services Supervisor
15. Senior Animal Services Officer
16. Senior Librarian
17. Senior Library Assistant

Hourly/Seasonal/Temporary Positions

1. Community Services Leader
2. Library Specialist - A
3. Library Specialist - B
4. Lifeguard
- 5.
6. On-Call Librarian
7. Reserve Animal Services Officer
8. Senior Community Services Leader
9. Senior Lifeguard

EXHIBIT B

JOB CLASSIFICATIONS REQUIRED TO COMPLETE CHILD ABUSE AND NEGLECT REPORTING ACT TRAINING

Full-time Equivalent Positions

1. Animal Services Manager
2. Animal Services Field Supervisor
3. Animal Services Operations Supervisor
4. Assistant City Manager/Director of Public Services
5. Director of Community Relations/City Clerk
6. City Manager
- 7.
- 8.
9. Community Services Manager
10. Director of Administrative Services/City Treasurer
11. Director of Community Development
12. Director of Information Technology
13. Director of Library and Cultural Services
14. Director of Public Works
15. Director of Recreation and Community Services
16. Facilities Maintenance Manager
17. Human Resources Analyst
18. Human Resources Manager
19. Human Resources Technician
20. Library Services Coordinator
21. Public Services Operations Manager
22. Senior Human Resources Analyst
23. Senior Public Services Contracts Administrator

Hourly/Seasonal/Temporary Positions

1. Kennel Aide

EXHIBIT C



CITY OF MISSION VIEJO

MANDATED REPORTER OF CHILD ABUSE AND NEGLECT ACKNOWLEDGEMENT FORM

Under California Law, certain employees are required to report any instances of known reasonably suspected child abuse, which includes physical abuse, sexual abuse, neglect and cases of severe emotional abuse that constitute willful or unjustifiable punishment of a child. Failure to comply is a misdemeanor. In addition, California law requires that certain categories of employees hired after January 1, 1985, **must** sign a statement that he or she has knowledge of these reporting requirements and will comply with them. The law **requires** this signed statement as a **prerequisite** to employment. Specifically, Section 11166.5 of the Penal Code states:

“On and after January 1, 1985, any mandated reporter as specified in Section 11165.7, with the exception of child visitation monitors, prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions.”

In Accordance with California Penal Code Section 11166.5, you are informed that you, as an employee of the City of Mission Viejo performing duties in the job classification of _____, are a mandated reporter under the California Child Abuse and Neglect Reporting Act, which can be found in California Penal Code Sections 11164 through 11174.3.

As a mandated reporter of child abuse and neglect, you have obligations under California Penal Code Section 11166 to report any known or reasonably suspected incident of child abuse or neglect. Failure to comply with your obligations under that Penal Code Section would be a misdemeanor. The City's Personnel Policy on Child Abuse/Neglect Reporting Procedure sets forth your reporting obligations under California Penal Code Section 11166. Copies of that policy and that penal code section are attached.

As a mandated reporter, you have confidentiality rights under subdivision (d) of California Penal Code Section 11167 as follows:

When you, as a mandated reporter, report child abuse or neglect under the California Child Abuse Reporting Act, your identity as the reporter of child abuse or neglect will be kept confidential. Your identity will not be disclosed to the City of Mission Viejo or to persons other than those involved in the receipt, investigation, and prosecution of the alleged child abuse, unless you have provided your consent to such disclosure or a court has ordered the disclosure of your identity.

By signing this Mandated Reporter Acknowledgement Form, you are acknowledging that:

1. You have knowledge of the provisions of California Penal Code Section 11166;
2. You will comply with the provisions of California Penal Code Section 11166 and the City's Personnel Policy on Child Abuse/Neglect Reporting Procedure;
3. You have been provided with copies of California Penal Code Sections 11165.7, 11166, and 11167;
4. You have been provided with a copy of the City's Personnel Policy on Child Abuse/Neglect Reporting Procedure;
5. You have been provided a copy of this Mandated Reporter Acknowledgement Form; and

6. The original of this Form will be placed in your personnel file.

I hereby so acknowledge.

Printed Name: _____ Job Title: _____

Signature: _____ Date: _____

Witness Printed Name: _____ Date: _____

Attachments:

- City of Mission Viejo Personnel Policy on Child Abuse/Neglect Reporting Procedure
- California Penal Code Section 11165.7
- California Penal Code Section 11166
- California Penal Code Section 11167