

ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS AND LEGAL DUTY TO REPORT CHILD ABUSE AND NEGLECT

California law **requires** certain people to report known or suspected child abuse or neglect. For purposes of Executive Order 1083, which implements California law, you are such a person, known in the law as a “mandated reporter.” The law requires that you, as a mandated reporter, sign this statement that you know your legal reporting obligations, summarized below, and will comply with them.

The definition of mandated reporter (Penal Code § 11165.7), along with the law describing your reporting obligations (Penal Code § 11166) and the law describing the content of reports and the confidentiality of those who report (Penal Code § 11167) is provided in Attachment C to CSU Executive Order 1083. The Executive Order and all its attachments are available at <http://calstate.edu/eo/EO-1083.html>.

WHEN REPORTING ABUSE IS REQUIRED

As a mandated reporter, whenever in your professional capacity or within the scope of your employment you have knowledge of or observe a person under the age of 18 years whom you know or reasonably suspect has been the victim of child abuse or neglect, you must report the suspected incident (Penal Code § 11166).

MANDATED REPORTING COORDINATOR

Each campus has a Mandated Reporting Coordinator (Coordinator), who is available to assist you and other mandated reporters in performing their duties. Your Coordinator is Julie Paisant, who can be reached at julie.paisant@sjsu.edu and 408.924.2250. The Coordinator can help with identifying whether there is a reasonable suspicion that abuse has occurred and how to report it, as well as provide you with appropriate resources.

PROCEDURE FOR REPORTING

To make a report, you **must** use the following procedure:

- **Immediately, or as soon as practically possible**, contact the campus police by telephone.
- **Within 36 hours of receiving the information concerning the incident** prepare a written report using the form provided in Attachment D and send, fax or electronically transmit the report to the campus police (Penal Code § 11166).

The Coordinator can help you fill out the incident form.

The CSU encourages, but does not require, mandated reporters to also report suspected child abuse or neglect to their supervisors. **Reporting to a supervisor, a coworker, or other person shall not be a substitute for making a mandated report to the agencies listed above.**

ABUSE THAT MUST BE REPORTED

Physical injury inflicted by other than accidental means on a child (Penal Code § 11165.6).

Sexual abuse meaning sexual assault or sexual exploitation of a child (Penal Code § 11165.1).

Neglect meaning the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare (Penal Code § 11165.2).

Willful harming or injuring or endangering a child meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child’s health is endangered (Penal Code § 11165.3).

Unlawful corporal punishment or injury willfully inflicted upon a child and resulting in a traumatic condition (Penal Code § 11165.4).

WHAT IS NOT CHILD ABUSE?

The law does **not** consider the following child abuse for reporting purposes:

- Corporal punishment that is not cruel or inhumane or does not result in a traumatic condition
- Injuries caused by two children fighting during a mutual altercation (Penal Code § 11165.4)
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment (Penal Code § 11165.6)
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property (Penal Code § 11165.4)
- Voluntary sexual conduct between minors
- Not receiving medical treatment for religious reasons (Penal Code § 1165.2(b))
- An informed and appropriate medical decision made by a parent or guardian after consultation with a physician who has examined the child (Penal Code § 11165.2(b))

IMMUNITY AND CONFIDENTIALITY OF REPORTER

No mandated reporter shall be civilly or criminally liable for any report required or authorized by law (Penal Code § 11172(a)). The identity of a mandated reporter who makes a report, and the report itself, is confidential and disclosed only among appropriate agencies (Penal Code §§ 11167(d)(1)).

PENALTY FOR FAILURE TO REPORT ABUSE

A mandated reporter who fails to make a required report is guilty of a **misdemeanor** punishable by up to six months in jail, a fine of \$1,000, or both. Any mandated reporter who willfully fails to report abuse or neglect, or any administrator or supervisor who impedes or inhibits a report of abuse, where that abuse results in death or great bodily injury, shall be punished by up to one year in jail, a fine of \$5,000, or both.

ACKNOWLEDGEMENT OF RESPONSIBILITY

I have read the above statement and will comply with the applicable reporting requirements. Please sign and return this page to HR, ext zip 0046.

Employee's Name: _____ Dept.: _____

Signature: _____ Date: _____

My signature above is also an acknowledgement of receipt of a copy of the executive order including the following attachments:

Attachment A [*THIS ACKNOWLEDGEMENT*]

Attachment B (Certificate of Training Completion)

Attachment C (Copy of Penal Code §§ 11165.7, 11166, and 11167)

Attachment D (Form SS 8572, Suspected Child Abuse Report form)

NOTE: The original signed version of this Acknowledgement (Attachment A) as well as Attachment B should be retained in the Employee's Official Personnel File. The employee should keep a copy for their own records.

Employee ID: _____