**MANDATED REPORTING LAW**

**Judson Baptist Church**

Originally enacted 1963 to protect doctors and medical professionals.

Drastically changed in the 1980's to include others who have interaction with Children as part of their day-to-day duties

11164 - 11174.3 California Penal Code

11166. (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.

***What Is Child Abuse?***

**Under California law, child abuse is a crime.**

**Children need protection because they are vulnerable and often unable to speak for themselves.** The California Child Abuse Reporting Law, along with other state laws, provides thelegal basis for action to protect children and to allow interventionby public agencies if a child is maltreated.

**California law defines child abuse as any of the following:**

• A child is physically injured by other than accidental means

• A child is subjected to willful cruelty or unjustifiable punishment

• A child is abused or exploited sexually

• A child is neglected by a parent or caretaker who fails to provide adequate food, clothing, shelter, medical care or supervision.

**Any child may be victimized.** Child abuse crosses all socioeconomic, ethnic, cultural, occupational,religious and age groups. It can occur in the child's home or outside the family. Tragically, it happens most often at home, and usually the abuser is known to the child. Generally, the abuser is a caretaker. A caretaker can be a parent, stepparent, relative or a child care provider.

**What will happen to me if I make a report?**

**Anyone who reports known or suspected child abuse is protected by the law from civil or** criminal liability, **unless it can be proven the report was false and the person who made the report knew it was false.** Any person, except a mandatedreporter, who reports child abuse may remain anonymous. *(Some**groups of persons are specified in law as mandated reporters and**are required to give their names. They are also provided unqualified**immunity from civil liability.)* However, it is helpful to give your nameand telephone number to the social worker or law enforcementofficer taking the report, in the event he or she needs to obtainmore information later.

**WHAT IS REASONABLE SUSPICION?**

The standard by which a report should be made is "reasonable suspicion". **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" (Penal Code 11166(a)(1)). One should never take child abuse reporting lightly. It is *difficult* to make a judgment as to whether or not child abuse has occurred based on rumor. If in doubt, discuss the situation with your local CPS or law enforcement.

**Is spanking a form of child abuse?**

**While this subject is controversial,** under California Welfare and

Institutions Code Section 300(a), reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury does not constitute abuse.

**Are volunteers mandated reporters of child abuse?**

Penal Code 11165.7 (f) states: "Public and private organizations are encouraged to provide their volunteers whose duties required direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect." In instances where mandated reporters, such as a physician, nurse, or teacher are volunteers, being a mandated reporter supersedes the status of being a volunteer. An example is a teacher who volunteers at a kid's camp for the summer. In the event they should suspect possible child abuse in a given situation, they would be required to report the suspected abuse as a mandated reporter.

**JUDSON BAPTIST CHURCH FOLLOWS MANDATED REPORTING LAWS WITH OUR VOLUNTEERS**

* No one can tell you not to make a report. If you have a reasonable suspicion one may harm himself; abuse is taking or has taken place; Or a threat has been made.
* It's your responsibility, no one can do it for you.

***SUICIDE***

* If someone REALLY wants to take their own life there's nothing anyone can do to stop them
* Talk of committing suicide immediately stops the "confidentiality clause"
* Bring to the attention of the Staff immediately

***THREATS* TO *HURT SOMEONE ELSE***

* Don't make the assessment yourself if the person is serious or not
* Immediately stops the "confidentiality clause"
* Bring to the attention of the Staff immediately