

**CALIFORNIA STATE UNIVERSITY, FRESNO AUXILIARY SERVICES****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, who is available to assist you and other mandated reporters in performing their duties. Your Coordinator is Nancy A. Petenbrink, Director of Employee Assistance and Wellness, who can be reached at: [npetenbrink@csufresno.edu](mailto:npetenbrink@csufresno.edu) and (559) 278-4357. 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.

#### **COPY OF THE LAW**

I acknowledge being provided with copies of Penal Code sections 11165.7, 11166, and 11167.

#### **ACKNOWLEDGEMENT OF RESPONSIBILITY**

**I have read the above statement and will comply with the applicable reporting requirements.**

Employee's Name: \_\_\_\_\_ Auxiliary Name / Dept.: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosed are the following attachments to CSU Executive Order 1083

**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 Personnel File. The Employee must be given a copy.