IDENTIFYING AND REPORTING CHILD ABUSE
SELECTED EXCERPTS FROM THE CALIFORNIA PENAL CODE
(REVISED 7/14)

Penal Code Sec 11164 - Intent of Child Abuse and Reporting Act
The intent and purpose of this article is to protect children from abuse

Penal Code Sec 11165 - Definitions
Child - person under the age of 18 years

Child Abuse - physical injury which is inflicted by other than accidental means on a child by another person. Child Abuse also means the sexual abuse of a child or any act or omission.... Neglect of a child or abuse in out-of-home care. Child Abuse does NOT mean a mutual affray between minors. Does not include injury caused by reasonable and necessary force used by a police officer to quell a disturbance, to prevent physical injury....

Neglect - negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

Health Practitioner – May include intern. Please check with your agency for their expectations.

Child Protective Agency - a police or sheriff’s department, a county probation department, a county welfare department. It does not include a school district, police, or a security department.

Substantiated Report - based upon some credible evidence to constitute child abuse or neglect.

Unsubstantiated Report - Findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect has occurred.

Unfounded Report - determined by a Child Protective Agency investigator to be false, to be inherently improbable, to involve an accidental injury or to not constitute child abuse as defined.

Penal Code Sec 11166 - Reporting Laws
Any health practitioner (etc.) who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows, or reasonably suspects, has been a victim of child abuse shall report the suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone, and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. ... “Reasonable suspicion” means that it is objectively reasonable for a person 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.
When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.

No supervisor or administrator may impede or inhibit the reporting duties, and no person making such a report shall be subject to any sanction for making the report.

The internal procedures shall not require any employee required to make reports to disclose his or her identity to the employer.

**Penal Code Sec 11167 - Method of Report**

(a) A telephone report of a known or suspected instance of child abuse shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury, and any other information, including information that led that person to suspect child abuse, requested by the child protective agency.

(b) Information relevant to the instance of child abuse may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse.

(c) Information relevant to the instance of child abuse may be given to the licensing agency when it is investigating a known or suspected case of child abuse, including the investigation report and other materials.

(d) The identity of all persons who report under this article shall be confidential and disclosed only between child protective agencies, or to counsel representing a child protective agency, or to the district attorney in a criminal prosecution [or in various other legal situations].

No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person’s employer, except with the employee’s consent or by court order.

Any violation of the confidentiality provided by this article shall be a misdemeanor punishable by up to six months in jail or by a fine of five hundred dollars ($500) or by both.

**Penal Code Sec 11172 - Liability**

No health practitioner who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article.

Any person who fails to report an instance of child abuse which he or she knows to exist, or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars ($1,000) or by both.

Excerpts Selected by Dr. Lorna Catford, Sonoma State University.
# SUSPECTED CHILD ABUSE REPORT

To Be Completed by Mandated Child Abuse Reporters
Pursuant to Penal Code Section 11166

**PLEASE PRINT OR TYPE**

## NAME OF MANDATED REPORTER

<table>
<thead>
<tr>
<th>TITLE</th>
<th>MANDATED REPORTER CATEGORY</th>
</tr>
</thead>
</table>

## REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS

<table>
<thead>
<tr>
<th>Street</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
</table>

**DID MANDATED REPORTER WITNESS THE INCIDENT?**

- [ ] YES
- [ ] NO

## REPORTER'S TELEPHONE (DAYTIME)

( )

**SIGNATURE**

TODAY'S DATE ( )

**AGENCY**

- [ ] LAW ENFORCEMENT
- [ ] COUNTY PROBATION
- [ ] COUNTY WELFARE / CPS (Child Protective Services)

## ADDRESS

<table>
<thead>
<tr>
<th>Street</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
</table>

**DATE/TIME OF PHONE CALL** ( )

## OFFICIAL CONTACTED - TITLE

TELEPHONE ( )

## NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROX. AGE

SEX

ETHNICITY

## ADDRESS

<table>
<thead>
<tr>
<th>Street</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
</table>

**TELEPHONE** ( )

## PRESENT LOCATION OF VICTIM

SCHOOL

CLASS

GRADE

## PHYSICALLY DISABLED?

- [ ] YES
- [ ] NO

DEVELOPMENTALLY DISABLED?

- [ ] YES
- [ ] NO

OTHER DISABILITY (SPECIFY)

**PRIMARY LANGUAGE**

**SPOKEN IN HOME**

## IN FOSTER CARE?

- [ ] YES
- [ ] NO

IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE:

- [ ] DAY CARE
- [ ] CHILD CARE CENTER
- [ ] FOSTER FAMILY HOME
- [ ] FAMILY FRIEND
- [ ] GROUP HOME OR INSTITUTION
- [ ] RELATIVE'S HOME

**TYPE OF ABUSE (CHECK ONE OR MORE)**

- [ ] PHYSICAL
- [ ] MENTAL
- [ ] SEXUAL
- [ ] NEGLECT
- [ ] OTHER (SPECIFY)

## RELATIONSHIP TO SUSPECT

PHOTOS TAKEN?

- [ ] YES
- [ ] NO

**DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH?**

- [ ] YES
- [ ] NO
- [ ] UNK

## NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROX. AGE

SEX

ETHNICITY

1. ____________________________

2. ____________________________

3. ____________________________

4. ____________________________

## NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROX. AGE

SEX

ETHNICITY

## ADDRESS

<table>
<thead>
<tr>
<th>Street</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
</table>

**HOME PHONE** ( )

**BUSINESS PHONE** ( )

## NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROX. AGE

SEX

ETHNICITY

## ADDRESS

<table>
<thead>
<tr>
<th>Street</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
</table>

**HOME PHONE** ( )

**BUSINESS PHONE** ( )

## SUSPECT'S NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROX. AGE

SEX

ETHNICITY

## ADDRESS

<table>
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<tr>
<th>Street</th>
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<th>Zip</th>
</tr>
</thead>
</table>

**TELEPHONE** ( )

## OTHER RELEVANT INFORMATION

## IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX [ ]

## IF MULTIPLE VICTIMS, INDICATE NUMBER:

## DATE / TIME OF INCIDENT

PLACE OF INCIDENT

## NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)
**CHILD: Possible Indicators of Abuse & Neglect**

The following is a partial list of possible physical and behavioral indicators that MAY mean that a child is being abused or neglected.

**Possible Indicators of Physical Abuse**
- Unexpected bruises or welts
- Unexplained burns
- Unexplained fractures
- Unexplained cuts or scrapes
- Unexplained stomach injuries
- Unexplained visual or hearing defects
- Human bite marks
- Fear of adults
- Overly aggressive or withdrawn
- Frightened of parents
- Afraid to go home
- School Problems

**Possible Indicators of Physical Neglect**
- Underfed or constantly hungry
- Constantly unclean
- Lack of supervision
- Unattended medical needs
- Growth rate below normal
- Begging or stealing food
- Constantly tired
- Poor school attendance
- Drug or alcohol problems

**Possible Indicators of Sexual Abuse**
- Difficulty in walking or sitting
- Pain or itching around genitals
- Stomach aches
- Bed-wetting
- Sleep problems
- Depression or withdrawn behavior
- Poor peer relationships
- Sudden onset of behavior problems
- Unusual knowledge of or interest in sex

**Possible Indicators of Emotional/Psychological Abuse**
- Speech problems
- Slow physical growth
- Slow mental or emotional growth
- Habit of sucking, biting, or rocking
- Antisocial or destructive behavior
- Loss of appetite
- Long-term depression
- Sexual acting out
- Sleep problems
- Dramatic emotional swings
- Suicide attempts
- Learning difficulties

**CARE PROVIDER: Possible Symptoms of their Neglect & Psychological Abuse of Child**

The following is a partial list of symptoms which appear to indicate neglect and psychological child abuse. These forms of child abuse are especially dangerous to the child’s self-esteem and can cause long-term psychological, emotional, and social problems that may remain with the child into adulthood.

- Teasing or “putting down” child
- Yelling or screaming at child
- Deserting or avoiding child
- Disinterest in or rejection of child
- Constant criticism of child
- Calling child bad names
- Threatening to harm child
- Blaming child for situations not within his/her control
- Withholding love, affection or attention
- Withholding food
- Withholding medical attention
- Failing to meet the child’s physical and emotional needs
- Isolating the child from society or “normal” friendships
- Negatively comparing the child with other children
- “Setting-up” the child to fail
- Embarrassing the child in public
- Often making the child feel ashamed or guilty
- Using the child as a “weapon” in separation or divorce
- Dressing the child in clothes of the opposite sex
- Teaching the child immoral or illegal behaviors
- Lying to the child
- Sharing dangerous drugs or alcohol with the child
- Stealing the child from his/her other natural parent
- Placing the child in dangerous situations
- Keeping the child out of school

Source: “Understanding Child Abuse and Neglect” The William Gladden Foundation, York, PA. 17404