

# California

## Child Abuse and Neglect

This is summary information, not the full statutory text. Be sure to check your state's statutes for the most current and complete information for mandated reporters in your state.

### Definitions of Child Abuse and Neglect

To better understand this issue and to view it across States, download the [PDF](#) (587 KB) of this publication.

#### Physical Abuse

**Citation: Welf. & Inst. Code § 300**

A child may be considered dependent when:

- The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian that indicate the child is at risk of serious physical harm.
- The child is younger than age 5 and has suffered severe physical abuse by a parent or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child.
- The child's parent or guardian caused the death of another child through abuse or neglect.
- The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.

For the purposes of this subdivision, 'severe physical abuse' means:

- Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death
- Any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling
- More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness
- The willful, prolonged failure to provide adequate food

#### Neglect

**Citation: Welf. & Inst. Code § 300**

A child may be considered dependent when:

- The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of:
  - The failure or inability of the parent or guardian to adequately supervise or protect the child
  - The willful or negligent failure of the parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left
  - The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment
  - The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse
- The child's sibling has been abused or neglected, and there is a substantial risk that the child will be abused or neglected. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.

## **Sexual Abuse/Exploitation**

### **Citation: Welf. & Inst. Code § 300; Penal Code § 11165.1**

A child is considered dependent if he or she has been sexually abused; there is a substantial risk that the child will be sexually abused, as defined in § 11165.1 of the Penal Code, by his or her parent, guardian, or a household member; or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

'Sexual abuse' means sexual assault or sexual exploitation as defined below:

- 'Sexual assault' includes rape, incest, sodomy, lewd or lascivious acts upon a child, or child molestation.
- 'Sexual exploitation' refers to any of the following:
  - Depicting a minor engaged in obscene acts; preparing, selling, or distributing obscene matter that depicts minors; employing a minor to perform obscene acts
  - Knowingly permitting or encouraging a child to engage in, or assisting others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction involving obscene sexual conduct
  - Depicting a child in, or knowingly developing, duplicating, printing, or exchanging any film, photograph, videotape, negative, or slide in which a child is engaged in an act of obscene sexual conduct

## **Emotional Abuse**

### **Citation: Welf. & Inst. Code § 300**

A child is considered dependent if he or she is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian, or who has no parent or guardian capable of providing appropriate care. No child shall be found to be a dependent person if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

## **Abandonment**

### **Citation: Welf. & Inst. Code § 300**

A child is considered dependent when:

- The child has been left without any provision for support.
- Physical custody of the child has been voluntarily surrendered pursuant to § 1255.7 of the Health and Safety Code, and the child has not been reclaimed within the 14-day period specified in subdivision (e) of that section.
- The child's parent has been incarcerated or institutionalized and cannot arrange for the care of the child.
- A relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.
- The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights or an adoption petition has not been granted.

## **Standards for Reporting**

### **Citation: Penal Code § 11166**

A report is required when a person has, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, reasonable suspicion of child abuse or neglect. 'Reasonable suspicion' does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any reasonable suspicion is sufficient.

## **Persons Responsible for the Child**

### **Citation: Welf. & Inst. Code § 300**

A person responsible for a child's welfare includes the child's parent or guardian. As used in this section, 'guardian' means the legal guardian of the child.

## Exceptions

### **Citation: Welf. & Inst. Code §§ 300; 300.5**

Serious physical harm does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury.

No child shall be found to be dependent solely due to the lack of an emergency shelter for the family.

A physical disability, such as blindness or deafness, is not considered a bar to raising happy and well-adjusted children unless a parent's disability prevents him or her from exercising care and control.

A child whose parent has been adjudged a dependent child shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.

In any case in which a child is alleged to be dependent on the basis that he or she is in need of medical care, the court, in making that finding, shall give consideration to any treatment being provided to the child by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof.

## Mandatory Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, download the [PDF](#) (763 KB) of this publication.

### **Professionals Required to Report**

#### **Citation: Penal Code § 11165.7**

Mandated reporters include the following:

- Teachers, teacher's aides, administrators, and employees of public or private schools
- Administrators or employees of day camps, youth centers, or youth recreation programs
- Administrators or employees of licensed community care or child daycare facilities; Head Start program teachers
- Public assistance workers
- Foster parents, group home personnel, and personnel of residential care facilities
- Social workers, probation officers, and parole officers
- Employees of school district police or security departments
- District attorney investigators, inspectors, or local child support agency caseworkers
- Peace officers and firefighters, except for volunteer firefighters
- Physicians, surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, marriage and family therapists, or social workers
- State or county public health employees who treat minors for venereal diseases or other conditions
- Coroners and medical examiners
- Commercial film and photographic print or image processors; computer technicians
- Child visitation monitors
- Animal control or humane society officers
- Clergy members and custodians of records of clergy members
- Employees of police departments, county sheriff's departments, county probation departments, or county welfare departments
- Employees or volunteers of a court-appointed special advocate program
- Alcohol and drug counselors
- Employees or administrators of public or private postsecondary institutions
- Athletic coaches, athletic administrators, or athletic directors employed by any public or private schools
- Athletic coaches, including, but not limited to, assistant coaches or graduate assistants involved in coaching at public or private postsecondary institutions

## **Reporting by Other Persons**

### **Citation: Penal Code § 11166**

Volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect.

Any other person who reasonably suspects that a child is a victim of abuse or neglect may report.

For the purposes of this section, 'any other person' includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

## **Institutional Responsibility to Report**

### **Citation: Penal Code § 11166(h)-(i)**

When two or more persons, who are required to report have joint knowledge of a known or suspected instance of child abuse or neglect, 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 the selected member of the reporting team. Any member who has knowledge that the member who was originally designated to report has failed to do so shall thereafter make the report.

The reporting duties under this section are individual; no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, provided that they are not inconsistent with this article. The internal procedures shall not require any employee required to make reports to disclose his or her identity to the employer.

Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in § 11165.9.

## **Standards for Making a Report**

### **Citation: Penal Code §§ 11166; 11165.7**

A report is required when:

- A 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 reporter knows or reasonably suspects is the victim of abuse or neglect.
- Commercial film and photographic print processors have knowledge of or observe any film, photograph, videotape, negative, or slide depicting a child under age 16 engaged in an act of sexual conduct.
- Commercial computer technicians have knowledge of or observe, within the scope of their professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, software, file, floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under age 16 engaged in an act of sexual conduct.

For the purposes of this article, '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. 'Reasonable suspicion' does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any 'reasonable suspicion' is sufficient. For the purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

## **Privileged Communications**

### **Citation: Penal Code § 11166**

The clergy-penitent privilege is permitted for penitential communications. This does not modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

## **Inclusion of Reporter's Name in Report**

### **Citation: Penal Code § 11167**

Reports of mandated reporters shall include:

- The name, business address, and telephone number of the mandated reporter
- The capacity that makes the person a mandated reporter

Reports of other persons do not require the reporter's name.

### **Disclosure of Reporter Identity**

#### **Citation: Penal Code § 11167**

The identity of the reporter shall be confidential and disclosed only:

- Among agencies receiving or investigating mandated reports
- To the prosecutor in a criminal prosecution or in an action initiated under § 602 of the Welfare and Institutions Code arising from alleged child abuse
- To counsel appointed pursuant to § 317(c) of the Welfare and Institutions Code
- To the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or § 300 of the Welfare and Institutions Code
- To a licensing agency when abuse or neglect in out-of-home care is reasonably suspected
- When the reporter waives confidentiality
- By court order

### **Failure to Report**

#### **Citation: Penal Code §§ 11166(c); 11166.01**

Any 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 6 months in a county jail or by a fine of \$1,000, or both. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until an agency specified in § 11165.9 discovers the offense.

Any supervisor or administrator who violates § 11166(1) [that prohibits impeding others from making a report], shall be punished by not more than 6 months in a county jail or by a fine of not more than \$1,000, or both.

Any mandated reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, where that abuse or neglect results in death or great bodily injury, shall be punished by not more than 1 year in a county jail or by a fine of not more than \$5,000, or both.

Retrieved Aug. 24, 2016 from <a href="https://www.childwelfare.gov/systemwide/laws_policies/state/">https://www.childwelfare.gov/systemwide/laws_policies/state/</a>
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### **Addition information for educators:**

Educators who fail to report may risk loss or suspension of their credential. (Education Code 44421)

### **Training Requirements for School Employees**

#### **Citation: Education Code § 44691**

Educational agencies are required to do both of the following:

1. Annually train mandated reporters on the mandated reporting requirements,
2. Develop a process to provide proof of completing the training within the first six (6) weeks of each school year or within six (6) weeks of that person's employment.

Print

Reset Form

# SUSPECTED CHILD ABUSE REPORT

To Be Completed by Mandated Child Abuse Reporters

Pursuant to Penal Code Section 11166

PLEASE PRINT OR TYPE

CASENAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY	
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS		Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO
	REPORTER'S TELEPHONE (DAYTIME) ( )		SIGNATURE		TODAY'S DATE	
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION <input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		AGENCY			
	ADDRESS		Street	City	Zip	DATE/TIME OF PHONE CALL
	OFFICIAL CONTACTED - TITLE				TELEPHONE ( )	
C. VICTIM One report per victim	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX
	ADDRESS			Street	City	Zip
	PRESENT LOCATION OF VICTIM			SCHOOL		CLASS
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO			DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO			IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME		PRIMARY LANGUAGE SPOKEN IN HOME
	RELATIONSHIP TO SUSPECT			PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK
D. INVOLVED PARTIES	VICTIM'S SIBLINGS					
	NAME		BIRTHDATE	SEX	ETHNICITY	
	1. _____		3. _____			
	2. _____		4. _____			
	VICTIM'S PARENTS/GUARDIANS					
	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX
	ADDRESS			Street	City	Zip
	HOME PHONE ( )			BUSINESS PHONE ( )		
	VICTIM'S PARENTS/GUARDIANS					
	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX
ADDRESS			Street	City	Zip	
HOME PHONE ( )			BUSINESS PHONE ( )			
E. INCIDENT INFORMATION	SUSPECT					
	SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX
	ADDRESS			Street	City	Zip
OTHER RELEVANT INFORMATION						
IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> 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)						

