

MANDATED REPORTERS AND REQUIRED REPORTING OF ABUSE AND NEGLECT

California law designates certain positions at Chapman University to be “mandated reporters” who have an individual duty to report known or suspected neglect or abuse of children, elderly or dependent adults. These positions are listed in Appendix A. Any employee whose duties fall within the scope of positions identified by law to be mandated reporters must understand what they are required to report, as well as where and how to make a report. A summary of the definitions and categories of mandated reporters is provided below.

All Chapman University employees or volunteers, regardless of “mandated reporter” status, are required to report any known or suspected abuse or neglect relating to children/minors. All incidents should be reported immediately to the Chapman University Department of Public Safety at 714-997-6763 and/or the Orange Police Department at 714-744-7444. A second report shall also be made to the Child Abuse Reporting Hotline at 714-940-1000 or 800-207-4464. These reports may be made 24 hours per day. If assistance is needed in making such a report, please do not hesitate to call the Department of Public Safety.

General Definitions

- Child/Minor – A person under the age of 18 (California Penal Code § 11165)
- Elder – A person age 65 or older (California Welfare & Institutions Code § 15610)
- Dependent Adult – A person between the ages of 18 and 64 with a physical or mental limitation that restricts his or her ability to carry out normal activities or protect his or her rights. (California Welfare & Institution Code § 15610.23)
- Mandated Reporter – Any employee who is required by law to report an incident of abuse or neglect.

Child/Minor Abuse or Neglect

Who must report (California Penal Code § 11165.7(a))

The following general categories of employees (*See Appendix A for additional details*) are mandated reporters for abuse and neglect of a child/minor:

- Teachers who instruct students under the age of 18

- Any Chapman University employee, including faculty, staff or student employees, or volunteers whose duties require direct contact and supervision of persons under the age of 18
- Child Care or Children’s Activity providers
- Mental Health Practitioners
- Health Care Workers
- Clergy

What must be reported (California Penal Code §§ 11165.1, 11165.6, 11166(a))

The following categories of abuse or neglect of a child/minor must be reported when a mandated reporter knows or reasonably suspects the following types of abuse or neglect has occurred:

- Death
- Physical Injury
- Sexual Abuse
- Neglect
- Willful Harm or Injury
- Endangering of health
- Unlawful Corporal punishment or injury

Reporting Procedures

A mandated reporter who knows or reasonably suspects abuse or neglect must comply with the following reporting procedures:

- Immediately report to the Chapman University Department of Public Safety at 714-997-6763 and/or the Orange Police Department at 714-744-7444.
- As soon as possible, make a telephone report to the Child Abuse Reporting Hotline at 714-940-1000 or 800-207-4464
- Within 36 hours file a written report on the state form SS8572 which may be found at: <http://egov.ocgov.com/ocgov/Social%20Services%20Agency> or http://oag.ca.gov/sites/all/files/pdfs/childabuse/ss_8572.pdf

Dependent Adult/Elder Abuse

Who must report (California Welfare & Institutions Code § 15630)

The following categories of employees are mandated reporters for elder or dependent abuse:

- Any employee working in any facility that provides any elder or dependent care services

- Any employee providing direct health care or social services to an elder or dependent adult
- Health Care practitioner
- Clergy

What must be reported (California Welfare & Institutions Code § 15630)

The following categories of abuse or neglect of an elder or dependent adult must be reported when observed by a mandated reporter, the mandated reporter has knowledge or reasonable suspicion of occurrence, or is told by the elder or dependent adult that the following has occurred:

- Physical Abuse
- Abandonment
- Abduction
- Isolation
- Financial Abuse
- Neglect

Reporting Procedures (California Welfare & Institutions Code § 15630(c))

The appropriate reporting agency for elder and dependent abuse care depends upon the location where the abuse occurred, and not the location which it was discovered. After a report has been made using the procedures below, follow up and status updates may be obtained via the Adult Protective Services Mandated Reporter Hotline at 888-202-4248.

If abuse/neglect occurred in a Long-term care or adult day health care center

- Immediately make a telephone report to the Long Term Care Ombudsman Program at 714-479-0107.
- Within two working days make a written report on form SOC 341 to the Long Term Care Ombudsman at :
 - Ombudsman, Council on Aging - Orange County
1971 E. 4th Street Ste 200
Santa Ana, CA 92705
FAX: 714-479-0234.
 - Form SOC 341 is available at:
<http://www.dss.cahwnet.gov/Forms/English/SOC341.pdf> and
<http://www.cdss.ca.gov/agedblinddisabled/PG1298.htm>

If abuse/neglect occurred in any other setting

- Immediately make a telephone report to Orange County Adult Protective Services at 800-451-5155.
- Within two working days make a written report on form SOC 341 to Orange County Adult Protective Services at:
 - Social Services Agency/APS
P.O. Box 22006
Santa Ana, CA 92702-2006
FAX: 714-825-3265
 - Form SOC 341 is available at:
<http://www.dss.cahwnet.gov/Forms/English/SOC341.pdf> and
<http://www.cdss.ca.gov/agedblinddisabled/PG1298.htm>

Injury by Firearm or Assault/Abuse

Who must report (Cal. Penal Code § 11160(a))

Any health care practitioner providing services in a health facility, clinic or physician's office who knows or reasonably suspects that a patient to whom the practitioner is providing services is the victim of assaultive or abusive conduct or a firearm injury.

What must be reported (Cal. Penal Code § 11160(a) 1)

All physical injuries known or reasonably suspected to have resulted from the following categories of conduct must be reported:

- Firearms – whether inflicted by patient or another
- Murder, manslaughter, mayhem, aggravated mayhem, torture, battery
- Assault, including with intent to commit another crime, with a stun gun or taser or with a deadly weapon
- Administration of a controlled substance or anesthetic to aid in the commission of a felony
- Sexual battery, incest, rape, spousal rape, procuring a female to have sex with another man, sodomy, oral copulation, sexual penetration
- Throwing chemical substances with the intent to injure or disfigure
- Child abuse or endangerment, lewd or lascivious acts with a child
- Abuse of a spouse or cohabitant
- Elder abuse
- Attempt to commit any crime listed in sections ii-ix above

Reporting Procedures (California Penal Code § 1160(b))

1. Immediately report by telephone to the local law enforcement agency in the jurisdiction in which the injury occurred.
2. Within two working days a written report on form OES 920 for Suspicious Injuries shall be filed and it shall be directed to the person and address provided when making the telephone report.

Form OES 920 is available at:

http://www.ccfmtc.org/pdf/oes_forms/oes_920form.pdf

Enforcement – Failure to report is a misdemeanor punishable by up to six months in jail or a fine of up to \$1000 or both (Cal. Penal Code §§ 11162; 11166(c); California Welfare & Institutions Code §15630(h)).

Suspected Child Abuse Report Form to be completed by Mandated Reporters:

http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

Instructions for completing the Suspected Child Abuse Form:

http://oag.ca.gov/sites/all/files/pdfs/childabuse/8572_instruct.pdf

APPENDIX A

Positions that are defined as “mandated reporters” in the California Penal Code Section 11165.7 that may applicable to Chapman University include the following:

1. A teacher.
2. An instructional aide.
3. A teacher's aide or teacher's assistant employed by a public or private school.
4. An administrator of a public or private day camp.
5. An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
6. An employee of a school security department.
7. A clergy member, meaning a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
8. An employee or administrator of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution.
9. An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.
10. Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions.