

ADMINISTRATIVE INSTRUCTION

SUBJECT: Mandated Reporter Policy on Child Abuse and/or Neglect NO.: 3-41

PURPOSE:

The purpose of this policy is to identify classifications designated as Mandated Reporters, pursuant to the California Child Abuse and Neglect Reporting Act (CANRA) and California Penal Code 11166, and as amended, and outline reporting procedures in the event of reasonable suspicion or any knowledge of child abuse and/or neglect.

POLICY:

As set forth in State law, this policy mandates that employees, in certain designated classifications, must report any reasonable suspicion or knowledge of child abuse and/or neglect to a law enforcement agency. This reasonable suspicion or knowledge can come from the Mandated Reporter's own observations or from information reported to them.

The City of Mountain View has created a list of classifications that are designated as Mandated Reporters based on job requirements and duties. The list of classifications is set forth in Attachment A. The City also requires contractors who have direct contact with and supervision of children to comply with the law and this policy.

The City encourages all City employees, officials, and volunteers who are not designated Mandated Reporters to report reasonable suspicion of child abuse and/or neglect to the Mountain View Police Department.

DEFINITIONS:

- A. Mandated Reporter. Under the law, all City employees and officials whose duties require direct contact with and/or supervision of children. Classifications designated as Mandated Reporters are set forth in Attachment A to this policy.
- B. Child. A person under 18 years of age.
- C. Child abuse. Includes, but is not limited to, the following:
 - 1. Physical abuse. Injury inflicted on a child by another person other than by accidental means.

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2. Sexual abuse. Sexual assault, sexual exploitation, and statutory rape.
 3. Emotional abuse. Family violence and repetitive verbal assaults.
- D. Neglect. Includes, but is not limited to, failure to provide life necessities, endangering a child's life, involving a child in a criminal activity, malnutrition, unjustifiable physical pain, or willful endangerment.
- E. Reasonable suspicion. An objective and reasonable belief based upon facts that would cause a reasonable person in a like position, drawing on their training and experience, to suspect child abuse and/or neglect. Reasonable suspicion does not require certainty that abuse or neglect has occurred.
- F. Form SS 8572. State form to be used for mandated reporting.

REPORTING PROCEDURE:

A. Confidentiality/Anonymity

Form SS 8572 requires the name of the Mandated Reporter; however, this information is not disclosed to the Mandated Reporter's supervisor, employer, alleged accused, or alleged victim(s).

A Mandated Reporter may notify their supervisor and/or the Human Resources Manager, or designee, that a report has been made. This information may be provided anonymously.

B. Required Reporting Parties

Any Mandated Reporter who has a reasonable suspicion or knowledge that abuse and/or neglect of a child is occurring or has occurred must:

1. Immediately, or as soon as practicably possible, notify the Mountain View Police Department or any police department; and
2. Complete Form SS 8572 and submit a copy to one of the following agencies within thirty-six (36) hours of the incident: Police Department, Sheriff's

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Department, Santa Clara County Department of Family and Children's Services (i.e., county welfare department), or probation department.

C. Information to Report

1. Name, title, address, and telephone number of individual who has any reasonable suspicion or knowledge of suspected abuse and/or neglect and the name of the Mandated Reporter, if different.
2. Date, time, and location of the suspected incident.
3. Victim(s) names.
4. The information that gave rise to the reasonable suspicion.

D. Reasonable Suspicion Involving City Employee(s)

If the incident giving rise to a reasonable suspicion involves a City employee, the Mandated Reporter or Supervisor shall inform the Human Resources Manager or designee immediately, or as soon as practicably possible. Additional reporting obligations may exist under Administrative Instruction No. 3-12, Policy and Complaint Procedure Against Harassment, Discrimination, Abusive Conduct, and Retaliation, and/or Administrative Instruction No. 3-22, Workplace Violence Prevention Policy.

E. Immunity and Penalty

A Mandated Reporter must report a reasonable suspicion even if he or she did not actually witness the suspected incident and even if all of the information is not known. A Mandated Reporter cannot be held civilly or criminally liable for any reasonable suspicion report, unless the Mandated Reporter knew or should have known their report was false.

Failing to report a reasonable suspicion of suspected child abuse and/or neglect is a violation of the law and shall be punishable by incarceration of up to one year, a fine of up to \$5,000, or both.

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RESPONSIBILITIES:

A. Individual Mandated Reporter Employees must:

1. Read and understand the policy and the responsibilities of a Mandated Reporter.
2. Sign an “Acknowledgment of Responsibility” when appointed to a Mandated Reporter classification and return the acknowledgement to Human Resources.
3. Participate in required Mandated Reporter training provided by the City of Mountain View when:
 - a. Appointed to a Mandated Reporter classification; and
 - b. Every two years thereafter.
4. Report any suspected act the employee reasonably believes constitutes child abuse and/or neglect, as directed in the Reporting Procedure section of this policy.
5. Fully cooperate during internal and/or external investigations of suspected child abuse and/or neglect.
6. Comply with the responsibilities imposed by the act and this policy whether or not they received training from the City or any third party.

B. Supervisors and Managers must:

1. Read and understand the policy and the responsibilities of a Mandated Reporter.
2. Inform all employees of this policy and allow time for completion of required training for Mandated Reporters.
3. If requested, provide support to an employee who is a Mandated Reporter.

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4. Not impede or inhibit a Mandated Reporter from making a report.
5. Upon learning of suspected abuse and/or neglect from a Mandated Reporter, remind the Mandated Reporter of the responsibilities and reporting requirements contained within this policy.
6. Cooperate with internal and/or external investigations of suspected child abuse and/or neglect.
7. If an incident giving rise to a reasonable suspicion involves a City employee, inform the Human Resources Manager, or designee, immediately, or as soon as practicably possible. Further additional reporting obligations may exist pursuant to Administrative Instruction No. 3-12, Policy and Complaint Procedure Against Harassment, Discrimination, Abusive Conduct, and Retaliation, and/or Administrative Instruction No. 3-22, Workplace Violence Prevention Policy.

C. Human Resources Manager, or Designee, will:

1. Inform Mandated Reporters and all other employees of this policy.
2. Collect and retain "Acknowledgment of Responsibility" forms from Mandated Reporters.
3. Provide Mandated Reporter resources and training and track completion.
4. Ensure that employees who are Mandated Reporters and their supervisors have initialed the section of the annual performance evaluation form confirming the employee has read and has an understanding of the policy.
5. Authorize and/or assist with an internal and/or external investigation, when appropriate.
6. If an incident giving rise to a reasonable suspicion involves a City employee, notify the City Manager, City Attorney, and/or department head, as appropriate, regarding the suspected incident.

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DISSEMINATION OF POLICY:

A copy of this policy with Attachment A, List of Mandated Reporter Classifications, will be provided to each employee of the City. Every Mandated Reporter must sign a statement acknowledging they understand their reporting obligations and will comply with the policy and the law.

CONTACT INFORMATION:

Mountain View Police Department:

650-903-6395

or

911 (in the event a situation is under way or is imminent)

Santa Clara County Sherriff:

408-808-4400 – San Jose

408-868-6600 – Cupertino

Santa Clara County Department of Family and Children's Services (Child Abuse and Neglect Center):

833-722-5437 – Santa Clara County Toll-Free Number

650-493-1186 – North (Palo Alto Area)

408-683-0601 – South (Gilroy/Morgan Hill Area)

408-299-2071 – Central (San Jose Area)

Santa Clara County Probation Department:

408-435-2000 – San Jose

650-324-6500 – Palo Alto

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Mountain View Human Resources Division:

650-903-6309

Signed

Daniel H. Rich, City Manager

Revised:

Effective Date: July 8, 2019

KD/3/ADM

03-41ADM

Attachment A

List of Mandated Reporter Classifications

Administrative Aide (Police or Fire Department)
Administrative Analyst I/II (Police or Fire Department)
After School Education Specialist I/II
After School Education Specialist III
Aquatics Head Lifeguard
Aquatics Lifeguard I/II
Aquatics Pool Attendant
Aquatics Pool Supervisor
Aquatics Water Exercise Instructor (if assigned to work with children)
Aquatics Water Safety Instructor
Assistant Communications Operations Supervisor
Assistant Community Services Director
Battalion Chief
Communications Operations Supervisor
Community Outreach Coordinator
Community Services Director
Community Services Officer
Crime Analyst
Deputy Fire Chief
Deputy Fire Marshal
Deputy Police Chief
Emergency Medical Services Coordinator
Executive Assistant (Community Services, Police, or Fire Department)
Fire Captain
Fire Captain/Hazardous Materials I/II
Fire Chief
Fire Engineer
Fire Engineer/Hazardous Materials I/II
Fire Engineer/Paramedic
Fire Marshal Non-Safety
Fire Prevention Officer I/II
Fire Prevention Officer III
Fire Protection Engineer
Firefighter
Firefighter/Hazardous Materials I/II
Firefighter/Medic/Hazardous Materials I/II

List of Mandated Reporter Classifications, *Continued*

Firefighter/Paramedic
Hazardous Materials Specialist
Hazardous Materials Specialist Non-Safety
Lead Police Records Specialist
Lead Public Safety Dispatcher
Librarian I/II (if assigned to work with children)
Librarian III (if assigned to work with children)
Library Assistant I/II (if assigned to work with children)
Library Assistant III (if assigned to work with children)
Library Customer Service Supervisor (if assigned to work with children)
Library Homework Assistant
Library Page (if assigned to Children's Services)
Library Services Director (if assigned to work with children)
Library Services Manager (if assigned to work with children)
Library Technical Aide
Lifeguard
Office Assistant I/II (Community Services, Police, or Fire Department)
Office Assistant III (Community Services, Police, or Fire Department)
Performing Arts Assistant
Performing Arts Coordinator
Performing Arts Manager
Performing Arts Supervisor
Police Assistant I/II
Police Assistant III
Police Captain
Police Chief
Police Lieutenant
Police Officer
Police Officer Trainee
Police Records Specialist
Police Records Supervisor
Police Sergeant
Police Support Services Manager
Program Assistant (Community Services, Police, or Fire Department)
Property and Evidence Specialist
Public Education/Fire Safety Specialist
Public Safety Dispatcher I/II
Public Safety Dispatcher III
Public Safety Social Media/Community Coordinator
Recreation Coordinator

List of Mandated Reporter Classifications, *Continued*

Recreation Leader Aide
Recreation Leader I/II
Recreation Manager
Recreation Specialist
Recreation Supervisor
Senior Management Analyst (Community Services, Police, or Fire Department)
Senior Library Page (if assigned to work with children)
Senior Recreation Coordinator
Senior Stagehand
Senior Ticket Services Representative
Stagehand I/II (if assigned to work with children)
Student Intern I/II (if assigned to work with children)
Student Intern III (if assigned to work with children)
Union Stagehand (if assigned to work with children)
Volunteer Coordinator
Youth Corp Coordinator
Youth Corp Crew Leader

ACKNOWLEDGMENT OF MANDATED REPORTER STATUS

California law requires certain individuals to report known or suspected child abuse and/or neglect and defines such a person as a “mandated reporter.” Your position is one of a mandated reporter. By signing this statement, you acknowledge your reporting obligations and further acknowledge you have read the City’s Mandated Reporter Policy on Child Abuse and/or Neglect and will comply.

ACKNOWLEDGMENT OF RESPONSIBILITY

By signing below I certify I am a Mandated Reporter. I have read the City’s Mandated Reporter Policy on Child Abuse and/or Neglect and will comply with the applicable reporting requirements.

Employee’s Name: _____

Signature: _____ Date: _____