



California's Child Abuse and Neglect Reporting Act: Reporting Rules for Health Care Providers

California's Child Abuse and Neglect Reporting Act (CANRA) defines child abuse, establishes procedures to report and investigate child abuse, and imposes an obligation to report child abuse on certain individuals, including most health care providers. "The intent and purpose of [CANRA] is to protect children from abuse and neglect."¹ This brief answers providers' most common questions about CANRA and their obligation to report child abuse. While created for health care providers, much of the information will be helpful and relevant for mandated reporters outside the health care professions. This information is not intended as legal advice. Providers should consult with legal counsel for guidance on recommended courses of action in individual situations. The brief is divided into the following sections:

- I. Am I a Mandated Reporter of Child Abuse under CANRA?
- II. When is a Mandated Reporter Required to Submit an Abuse Report?
- III. What Must be Reported?
- IV. What Sexual Activity Must be Reported?
- V. How Does Reporting Work?
- VI. What are the Consequences of my Reporting Decision?

I. AM I A MANDATED REPORTER OF CHILD ABUSE UNDER CANRA?

Who is a mandated reporter?

Mandated reporters include all of the following:

1. A teacher.
2. An instructional aide.
3. A teacher's aide or teacher's assistant employed by any public or private school.
4. A classified employee of any public school.
5. An administrative officer or supervisor of child welfare and attendance, or a certificated pupil

¹ Cal. Penal Code § 11164.

- personnel employee of any public or private school.
6. An administrator of a public or private day camp.
 7. An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
 8. An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
 9. Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
 10. A licensee, an administrator, or an employee of a licensed community care or child day care facility.
 11. A Head Start program teacher.
 12. A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
 13. A public assistance worker.
 14. An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
 15. A social worker, probation officer, or parole officer.
 16. An employee of a school district police or security department.
 17. Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
 18. A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
 19. A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
 20. A firefighter, except for volunteer firefighters.
 21. A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family, and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
 22. Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
 23. A psychological assistant registered pursuant to Section 2913 of the Business and Professions

Code.

24. A marriage, family, and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
25. An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.
26. A state or county public health employee who treats a minor for venereal disease or any other condition.
27. A coroner.
28. A medical examiner, or any other person who performs autopsies.
29. A commercial film and photographic print processor, as specified in subdivision (d) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.
30. A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.
31. An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
 - a. "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
 - b. "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.
32. A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
33. Any custodian of records of a clergy member, as specified in this section and subdivision (c) of Section 11166.
34. Any employee of any police department, county sheriff's department, county probation department, or county welfare department.
35. An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the California Rules of Court.
36. A custodial officer as defined in Section 831.5.

37. Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

Cal. Penal Code § 11165.7.

May I report child abuse even if I am not a mandated reporter?

Any person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect. Cal. Penal Code § 11166(g).

II. WHEN IS A MANDATED REPORTER REQUIRED TO SUBMIT AN ABUSE REPORT?

When must I report abuse?

“A mandated reporter shall make a report . . . whenever the 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 mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.” Cal. Penal Code § 11166(a).

What if I am not sure that abuse has occurred?

Confirmation of abuse is not required. Reporters must report whenever they have “reasonable suspicion” that abuse has occurred.

“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.” Cal. Penal Code § 11166(a)(1).

III. IS THIS A TYPE OF ACTIVITY THAT MUST BE REPORTED?

What constitutes abuse or neglect?

The Child Abuse and Neglect Reporting Act (CANRA) defines “child abuse or neglect” to include:

- physical injury inflicted by other than accidental means upon a child by another person;

- sexual abuse (as defined in Penal Code section 11165.1);²
- neglect (as defined in Penal Code section 11165.2);³
- the willful harming or injuring of a child or the endangering of the person or health of a child (as defined in Penal Code section 11165.3);⁴ and
- unlawful corporal punishment or injury (as defined in Penal Code section 11165.4.)⁵

Cal. Penal Code § 11165.6.

In addition, mandated reporters may, but are not required to, report “serious emotional damage.”⁶ Cal. Penal Code § 11166.05.

² See “What Sexual Activity Must be Reported,” *infra*.

³ Cal. Penal Code § 11165.2 (“As used in this article, “neglect” means the negligent treatment or the 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. (a) “Severe neglect” means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. “Severe neglect” also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care. (b) “General neglect” means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred. For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.”)

⁴ Cal. Penal Code § 11165.3 (“As used in this article, “the willful harming or injuring of a child or the endangering of the person or health of a child,” means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.”)

⁵ Cal. Penal Code § 11165.4 (“As used in this article, “unlawful corporal punishment or injury” means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. It does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, as authorized by Section 49001 of the Education Code. It also does not include the exercise of the degree of physical control authorized by Section 44807 of the Education Code. It also does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.”)

⁶ Cal. Penal Code § 11166.05 (“Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, evidenced by states of being or behavior, including, but not limited to, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to an agency specified in Section 11165.9.”)

IV. WHAT SEXUAL ACTIVITY MUST BE REPORTED?

What sexual activity am I mandated to report?

Mandated reporters must report sexual abuse. California law defines sexual abuse as “sexual assault” or “sexual exploitation.” Cal. Penal Code § 11165.1.

The law in turn defines these terms. Specifically, it states that conduct in violation of any of the following statutes is “sexual assault” or “sexual exploitation” and is reportable:

- Penal Code section 261 (Rape);
- Penal Code section 264.1 (Rape in Concert);
- Penal Code section 285 (Incest);
- Penal Code section 289 (Sexual Penetration);
- Penal Code section 647.6 (Child Molestation);
- Penal Code section 286 (Sodomy);
- Penal Code section 288a (Oral Copulation);
- Penal Code section 288(a), 288(b), or 288(c)(1) (certain violations of Lewd or Lascivious Acts upon a Child);
- Penal Code section 261.5(d) (certain violations of Statutory Rape);
- Conduct involving matter depicting a minor engaged in obscene acts in violation of Penal Code section 311.2 (Preparing, selling, or distributing obscene matter); or
- Penal Code section 311.4(a) (Employment of minor to perform obscene acts).

Reports also are mandated for many prostitution and pornography related offenses.⁷

Cal. Penal Code § 11165.1.

I know I need to report certain violations of “lewd and lascivious acts,” but what are “lewd and lascivious acts?”

A “lewd and lascivious act” is an intentional touching of the body, or any part or member thereof, of a child, “with the intent of arousing, appealing to, or gratifying the lust, passions or sexual desires of that person or the child.” Cal. Penal Code § 288; *see People v. Martinez*, 45 Cal.

⁷ Specifically, reports are required about: “Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child’s welfare, who knowingly permits or encourages a child to engage in, or assist 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. For the purpose of this section, “person responsible for a child’s welfare” means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.” Cal. Penal Code § 11165.1.

Rptr.2d 905 (1995).

Generally, charges brought under this section involve severely exploitative behavior. For example, prosecutors often use the statute to prosecute adults who have molested very young children. *See e.g., Shumante v. Newland*, 75 F. Supp.2d 1076 (N.D. Cal. 1999) (kindergarten teacher convicted of lewd and lascivious acts for molesting 16 children).

What “lewd and lascivious acts” must I report as child abuse?

Reporters must report:

- Any lewd and lascivious touching of a minor accomplished with the use of force, violence, duress, menace or fear of immediate and unlawful bodily injury to the victim or another.
- Any lewd and lascivious touching of a child under 14 years old, if the other person is 14 years old or older, irrespective of consent.
- Any lewd and lascivious touching of a child 14 years old, if the other person is 24 years old or older, irrespective of consent.*
- Any lewd and lascivious touching of a child 15 years old, if the other person is 25 years old or older, irrespective of consent.*

* Reportable if the other person is at least 10 years older, measuring from the birth date of the person to the birth date of the child. Cal. Penal Code § 288(c).

Cal. Penal Code §§ 288, 11165.1; *People ex rel. Eicheberger v. Stockton Pregnancy Control Medical Clinic, Inc.*, 249 Cal. Rptr. 762, 769 (3rd Dist. Ct. App. 1989); *Planned Parenthood Affiliates of California v. Van De Kamp*, 226 Cal. Rptr. 361, 381 (1st Dist. Ct. App. 1986).

I know I need to report certain “statutory rape” violations, but what is “statutory rape?”

California Penal Code section 261.5 makes it illegal to have sexual intercourse⁸ with a minor under 18 years old who is not the spouse of the perpetrator, irrespective of consent. There is a graduated scale of penalties for violations of this statute, with the severity of the penalty dependant on the age difference between the two partners. Colloquially known as “statutory rape,” this statute in fact is entitled “unlawful sexual intercourse with a person under 18.” Cal. Penal Code § 261.5.

What “statutory rape” violations must I report?

Reporters do not have to report all instances of “unlawful sexual intercourse” (statutory rape). CANRA requires reporters to report:

⁸ While the term “sexual intercourse” is not defined in this statute, the California Supreme Court has stated that in the context of rape, the term “sexual intercourse” refers to vaginal penetration. *People v. Stitely*, 35 Cal.4th 514, 554 (2005); *People v. Holt*, 15 Cal.4th 619, 676, 63 Cal.Rptr.2d 782 (1997).

- Sexual intercourse with a minor accomplished with the use of force, violence, duress, menace or fear of immediate and unlawful bodily injury to the victim or another, or intercourse accomplished in any other way without consent.
- Sexual intercourse between a minor who is under 14 years old and a partner 14 years old or older, irrespective of consent.
- Sexual intercourse between a minor who is 14 or 15 years old and a partner 21 years old or older, irrespective of consent.

Cal. Penal Code §§ 11165.1, 261.5; *Stockton*, 249 Cal. Rptr. at 769; *Planned Parenthood*, 226 Cal. Rptr. at 381.

I know I need to report any nonconsensual sexual activity with a minor and even some instances of consensual sexual activity with a minor. What sexual activity with a minor should *not* be reported?

Because both state and federal law protect the confidentiality of information received in the course of providing health care, if a child abuse report is not required by state law, and a health care professional has no other reason to suspect abuse, any information the professional learns about a minor’s sexual activity while providing her health care is protected by confidentiality rules, and mandated reporters cannot share it with CPS or the police without the minor’s consent.

With this in mind, mandated reporters should not report *consensual* intercourse when there are no other indications of abuse and:

- A minor is under 14 years old and his or her partner is under 14 years old.
- A minor is 14 or 15 years old and his or her partner is over 14 years old but under 21 years old.
- A minor is 16 years old or older and his or her partner is 16 or older.

Cal. Penal Code §§ 11165.1, 261.5; *Stockton*, 249 Cal. Rptr. at 769; *Planned Parenthood*, 226 Cal. Rptr. at 381.

Mandated reporters also should not report *consensual* touching that otherwise may be deemed a ‘lewd and lascivious act’ when there are no other indications of abuse and:

- A minor is under 14 years old and his or her partner is under 14 years old.
- A minor is 14 years old and his or her partner is under 24 years old.
- A minor is 15 years old and his or her partner is under 25 years old.

Cal. Penal Code §§ 11165.1, 288; *Stockton*, 249 Cal. Rptr. at 769; *Planned Parenthood*, 226 Cal. Rptr. at 381.

For the purposes of child abuse reporting, does a mandated reporter have a legal duty to try to ascertain the ages of the minor’s partners?

No. No statute or case obligates providers to ask their minor patients about the age of the minors’

sexual partners for the purpose of reporting abuse.

In response to this question, a California court said: “Nothing in the [Child Abuse Reporting] Act requires . . . health care practitioners to obtain information they would not ordinarily obtain in the course of providing care and treatment . . . according to standards prevailing in the medical profession.” *Stockton*, 249 Cal. Rptr. at 769.

With this in mind, an individual health care provider’s practice in eliciting information that is relevant to child abuse reporting issues should be shaped by his or her professional judgment. In addition, the provider’s practice may be directed by the policies and protocols of the particular family planning clinic or other site in which the provider works. Health care providers are encouraged to consult with their own clinics and institutions, including legal counsel for those institutions, in determining the scope of questions to ask.

How do I know if my client’s sexual activity truly was consensual?

Many providers are concerned that sexual activity described as consensual sometimes may not be consensual in fact. For example, providers may suspect coercion based on additional facts they have learned about the activity or its context. In determining whether an act truly was consensual, treating professionals should “evaluate facts known to them in light of their training and experience to determine whether they have an objectively reasonable suspicion of child abuse.” *People ex rel. Eicheberger v. Stockton Pregnancy Control Medical Clinic, Inc.*, 249 Cal. Rptr. 762, 769 (3rd Dist. Ct. App. 1988). If providers have a reasonable suspicion sexual activity was coerced, they should make a child abuse report, irrespective of claimed consent by their client.

Does pregnancy or a sexually transmitted disease automatically require an abuse report?

No. Pregnancy or evidence of a sexually transmitted disease does not, in and of itself, constitute sufficient evidence to establish a reasonable suspicion of sexual abuse. Cal. Penal Code § 11166(a)(1); *Stockton*, 249 Cal. Rptr. at 769. This means it should not be reported absent other evidence of abuse.

However, pregnancy or an STD, when combined with additional information, may present a reasonable suspicion that child abuse has occurred. *Stockton* at 767. For this reason, treating professionals “must evaluate facts known to them in light of their training and experience to determine whether they have an objectively reasonable suspicion of child abuse.” *Id.* at 769.

Do I have to make a report if my client was the “abuser” rather than the victim?

Yes. A mandated reporter must report child abuse “whenever the mandated reporter . . . has knowledge of . . . a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.” Cal. Penal Code § 11166(a). Reporters do not have to know the victim personally. As long as they have facts sufficient to create an objectively reasonable

suspicion of abuse, they must report.

Do I have to make a report if the abuse happened a long time ago?

Yes. CANRA requires mandated reporters to report abuse of minors. It does not relieve reporters of their reporting duty simply because acts occurred several years ago. (This contrasts with reporting statutes in some other states.)⁹

Requiring reports of abuse, even if the abuse occurred long ago, makes some sense. While the victim of long ago abuse may no longer be at risk, the abuser may still be abusing other children. For the same reason, many believe mandated reporters should report when an adult reveals past child abuse.

V. HOW DOES REPORTING WORK?

To whom should reports be made?

Reports of suspected child abuse or neglect should be made to any one of the following:

- any police department or sheriff's department, not including a school district police or security department;
- the county probation department, if designated by the county to receive mandated reports; or
- the county welfare department (often referred to as CWA or CPS).

Cal. Penal Code § 11165.9.

If I have a client from another county or state, do I have to file my report with an agency in the county or state in which she resides?

No. California law obligates the police, CPS, and the other agencies responsible for receiving child abuse reports to accept every child abuse report made to them, even if the agency lacks jurisdiction over the case. If the agency does not have jurisdiction over a particular case, the agency is obligated to immediately refer the case to the proper authorities. The only exception to this rule is that an agency may refuse a report if the agency can immediately electronically transfer the reporter's call to an agency with proper jurisdiction. Cal. Penal Code § 11165.9.

⁹ For example, in Minnesota, mandated reporters must report only children who have been abused "within the preceding three years." Minn. Stat. § 626.556.

Can an agency refuse to accept my report and tell me to file it with a different agency?

No. Agencies required to receive child abuse reports “may not refuse to accept a report” for jurisdictional reasons “unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction.” Cal. Penal Code § 11165.9.

How do I make a report?

“A mandated reporter must make an initial report immediately or as soon as is practicably possible by telephone. The mandated reporter then must prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.” Cal. Penal Code § 11166(a).

What information must I include in my report?

Mandated reports of child abuse or neglect must include:

- the name, business address, and telephone number of the mandated reporter;
- the capacity that makes the person a mandated reporter; and
- the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information.

If a report is made, the following information, *if known*, also must be included in the report:

- the child’s name;
- the child’s address;
- present location; and
- if applicable, school, grade, and class;
- the names, addresses, and telephone numbers of the child’s parents or guardians; and
- the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child.

Cal. Penal Code § 11167(a).

If I don’t have all the necessary information, is a report still required?

Yes. “The mandated reporter shall make a report even if some of the above information is not known or is uncertain to him or her.” Cal. Penal Code § 11167(a).

May we establish internal procedures to streamline reporting in our clinic?

Yes. "Internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article." Cal. Penal Code § 11166(i).

"However, the internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer." Cal. Penal Code § 11166(i).

In addition, the internal procedures cannot require sharing confidential information where no exception in state or federal law would allow that sharing. For example, the internal procedure in a medical clinic cannot streamline reports through a staff member who otherwise would not have a legal right to see the confidential medical information being reported.

Will a report to my director or administrator suffice?

It depends. The law allows a clinic to establish an internal procedure that streamlines reports through a director or administrator. Where no internal procedure exists, the law says that in a situation in which "two or more persons who are required to report jointly have 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 designated to report has failed to do so shall thereafter make the report." Cal. Penal Code § 11166(h).

Outside these scenarios, the laws says that reporting duties are individual. "Reporting 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." Cal. Penal Code § 11166(i)(3).

VI. WHAT ARE THE CONSEQUENCES OF MY REPORTING DECISION?

What will Child Protective Services do after I make my report?

The agency that received your report is required to immediately cross-report to the other reporting agencies as well as to the district attorney. Cal. Penal Code § 11166(j)&(k).

Upon receiving your phone call and written report, CPS will do a risk assessment and decide whether the report warrants investigation. If investigated, CPS will determine whether the report is: "unfounded," "substantiated," or "inconclusive."¹⁰ How CPS proceeds from there will depend

¹⁰ Cal. Penal Code § 11165.12 ("(a) "Unfounded report" means a report that is determined by the investigator who

on this evaluation. Cal. Penal Code § 11165.12.

The response to child abuse reports varies greatly by location. In some places, providers feel that CPS rarely follows up on any abuse reports, particularly those regarding adolescents. In others, providers feel that CPS and the police investigate everything, even groundless reports. Providers are encouraged to consult with their local CPS, police, and district attorneys for insight into their policies and practice. This will allow providers to better inform clients about possible outcomes when abuse reports are made.

Will my identity and my report be confidential?

The identity of all persons who report under CANRA shall be confidential and disclosed only:

- among agencies receiving or investigating mandated reports;
- to counsel in certain cases arising out of a report;
- to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected;
- when those persons waive confidentiality; or
- by court order.

Cal. Penal Code § 11167(d)(1).

In addition, the reports themselves are confidential and may only be disclosed in limited contexts. Cal. Penal Code § 11167.5. For the most part, the law only allows these reports to be shared with other agencies involved in investigating, prosecuting, or tracking child abuse, or treating the child victim. Even in these situations, information in the reports cannot be shared “if the disclosure would be prohibited by any other provisions of state or federal law applicable to the reports or records relevant to the reports of child abuse or neglect.” Cal. Penal Code § 11167.5.

Will I find out what happened with my report?

“When a report is made . . . , the investigating agency, upon completion of the investigation or after there has been a final disposition in the matter, shall inform the person required to report of the results of the investigation and of any action the agency is taking with regard to the child or family.” Cal. Penal Code § 11170(b)(2).

Can individuals be held liable for making reports?

It depends on whether the reporter was a mandated reporter or not. Mandated reporters are

conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6. (b) “Substantiated report” means a report that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred. (c) “Inconclusive report” means a report that is determined by the investigator who conducted the investigation not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6, has occurred.”).

protected by law from civil and criminal liability. However, non-mandated reporters (a.k.a. voluntary reporters) can be held liable for filing a false report if “it can be proven that a false report was made and the person knew that the report was false or . . . made [it] with reckless disregard of the truth or falsity of the report.” Cal. Penal Code § 11172(a).

Can individuals be held liable for not making reports?

Yes. “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 six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine.” Cal. Penal Code § 11166(c).