

# **Safeguards for Mandated Reporters**

## **Who Reports?**

Reporting duties are individual. However~ when two or more mandated reporters jointly have knowledge of suspected child abuse or neglect, a single report may be made. **Any member of the reporting team who has knowledge that the designated person has failed to report must do so.** (P.C.11166(h))

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 (P.C.11166(i)(1)). Any supervisor or administrator who violates this can be punished by up to six months in a county jail, a fine of \$1000, or both. (P.C.11166.01(a)) If the abuse or neglect results in death or great bodily injury, any person who impeded or inhibited the report can be punished by up to one year in a county jail, a fine of \$5,000, or both.

Persons making mandated reports are not required to disclose their identity to their employer. (P.C.11166(i)(2))

## **Immunity**

Mandated reporters have immunity from civil or criminal liability when reporting as required, even when the knowledge or suspicion of maltreatment was acquired outside of their professional capacity or outside the scope of their employment. (P.C.11172(a))

Mandated reporters or others directed by them are immune from civil or criminal liability when photographing a suspected victim of child abuse or neglect, without parental consent, and may include those photographs, images or material in their mandated reports. This immunity does not extend to any other use of the photographs. (P.C. 11172(a))

If a mandated reporter is sued for fulfilling his or her legal responsibilities, the law provides for up to \$50,000 in

reimbursement for attorneys' fees if the court dismisses the action or the mandated reporter prevails in the action. (P.C.11172)

Any person who makes a report of child abuse, even though he or she is not a mandated reporter, has immunity unless the report is proven to be false and the person knew the report was false or made it with reckless disregard for the truth or falsity of the report. (P.C.11172(d)(1))

### **Confidentiality**

The mandated reporter's identity is confidential and may only be disclosed to specified agencies and professionals. (P.C.11167(d)(1))

The identity of the mandated reporter shall not be disclosed to that person's employer, except with the employee's consent or by court order. (P.C.11167(d)(2))

Any violation of confidentiality of this information is a misdemeanor punishable by up to six months in the county jail, or by a fine of \$500, or by both. (P.C.11167.5(a))

### **Acceptance of Reports**

Agencies mandated to receive child abuse reports must accept those reports even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. Agencies authorized to receive reports may not refuse to accept a report of suspected child abuse or neglect from a mandated reporter or another person unless otherwise authorized pursuant to this section. (P.C.11165.9)