

FREQUENTLY ASKED QUESTIONS

1. Which University personnel are likely to be UCLA Mandated Reporters under the Child Abuse and Neglect Reporting Act (“CANRA” or “the Act”)?

A complete list of Mandated Reporters with detailed definitions is in Cal. Penal Code § 11165.7. For a summary, see UCLA Policy 136, Attachment C: Mandated Reporter Categories. For additional guidance, contact the appropriate human resources or academic personnel representative, who may consult with the Office of LegSal Affairs.

2. Are faculty, graduate student researchers (GSRs) or teaching assistants (TAs) UCLA Mandated Reporters?

Although faculty, GSRs, or TAs are not typically “teachers” under CANRA (even when students under the age of 18 enroll in their classes), some may be UCLA Mandated Reporters under other provisions of the Act:

- a. Physicians, nurses, and other health professionals.
- b. Faculty members and other academic personnel who have responsibility for instruction at the preschool, elementary, or high school level, e.g., those who teach high school seminars or who serve as mentors in on-campus high school internship programs.
- c. Individuals whose University duties require direct contact *and* supervision of children, e.g., faculty members who hire children under age 18 to assist with scholarship, research, or other academic activities as volunteers or interns.
- d. Employees (including faculty members, GSRs, TAs and other academic personnel) and officials whose duties bring them into direct contact with children on a regular basis, or who supervise others with such duties.

The law does not define “duties” or “regular basis”. Questions about whether a particular individual is a UCLA Mandated Reporter should be directed to the appropriate human resources representative.

3. I’m not a UCLA Mandated Reporter under CANRA or UCLA Policy 136, but I saw an adult who seemed to be touching a child inappropriately. What should I do?

- a. Separate from CANRA, the California Penal Code requires *any person* who reasonably believes the person has observed murder, rape, or certain lewd or lascivious acts where the victim is a child under the age of 14 years to notify a peace officer (such as a campus or community police officer or a county sheriff). This reporting mandate applies whether or not the witness is a mandated reporter and regardless of their affiliation with the University.
- b. All members of the UCLA community who are not UCLA Mandated Reporters but who observe, have actual knowledge of, or reasonably suspect child abuse or neglect on University premises, at an official activity of or program conducted by the University, or perpetrated by University personnel are strongly encouraged to promptly report the matter as set out in this Policy.

4. What is a “reasonable suspicion”?

CANRA defines “Reasonable suspicion” to mean that it is objectively reasonable for a person, based upon the facts and drawing on their training and experience, to suspect child abuse or neglect. It does not require certainty that child abuse or neglect has occurred, nor a specific medical indication of abuse or neglect.

5. What type of conduct is reportable?

For detailed definitions of reportable conduct, please see the definitions in California Penal Code §11165.1-11165.6
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&

chapter=2.&article=2.5 (*Physical injury* inflicted by other than accidental means other than a mutual affray between minors (fist fights). [CANRA § 11165.6]

- *Sexual abuse*, meaning sexual assault or sexual exploitation of a child. [CANRA § 11165.1]
- *Neglect*, meaning the negligent treatment, unjustified lack of 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. [CANRA § 11165.3]
- *Willful harming or injuring or endangering a child*, meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child's health is endangered. [CANRA § 11165.3]
- *Unlawful corporal punishment or injury* willfully inflicted on a child and resulting in a traumatic condition. [CANRA § 11165.4]

The pregnancy of a minor does not in and of itself constitute a basis for reasonable suspicion of sexual abuse.

The following may also be reported: Serious emotional damage or substantial risk of 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.

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[https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=2.&article=2.5#:~:text=11165.1.,as%20defined%20by%20the%20following%3A&text=\(2\)%20Sexual%20contact%20between%20the,or%20tongue%20of%20another%20person.](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=2.&article=2.5#:~:text=11165.1.,as%20defined%20by%20the%20following%3A&text=(2)%20Sexual%20contact%20between%20the,or%20tongue%20of%20another%20person.) (Additional helpful information is available through the Los Angeles County Department of Public Health website (<http://publichealth.lacounty.gov/mch/cpsp/CACHildAbuseRpt.pdf>).

Note: The duty to report child abuse or neglect supersedes a licensed health professional's duty to maintain the confidentiality of communications with their patients (e.g., the physician-patient or psychotherapist- patient privilege).

6. What information must a UCLA Mandated Reporter report?

A. The **external** report, pursuant to CANRA will include:

- name, business address, and telephone number of the UCLA Mandated Reporter;
- status that makes the person a UCLA Mandated Reporter; and
- the information supporting the reasonable suspicion of child abuse or neglect and the source(s) of that information.

The following, if known, will also be included:

- child's name, address, present location;
- if applicable school, grade, and class;
- names, addresses, and phone numbers of the child's parents or guardians; and
- other relevant personal information about the person (s) who may have abused or neglected the child.

B. The **internal** report, pursuant to University policy, will include:

- Information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information;

The following, if known, should also be included:

- information about the child, including: the child's name and address, present location, and, if applicable, school, grade, and class;
- names, addresses, and telephone numbers of the child's parents or guardians; and

- name, address, telephone number, and other relevant personal information about the individuals suspected of child abuse or neglect.

A report must be made even if some of the above information is unknown or uncertain at the time of the report.

Internal reports to the University Compliance Hotline may be made anonymously, although they may include the name, business address and telephone number of the UCLA Mandated Reporter and capacity that makes the person a UCLA Mandated Reporter.

You can satisfy the internal reporting duty by submitting a copy of your external report to your supervisor, senior administrator or the University Compliance Hotline.

For reporting procedures and exceptions, see UCLA Policy 136, Section III. C.

7. When must an external report be made?

A UCLA Mandated Reporter must make an initial external report immediately by telephone; and must submit a written report as soon as possible but within 36 hours. For more information, see UCLA Policy 136, Section III. C.

8. If two or more UCLA Mandated Reporters jointly have knowledge of a known or suspected child abuse or neglect, should they all make a separate report?

No, when two or more UCLA Mandated Reporters jointly have a duty to report a matter, the Reporters may agree among themselves whereby one of them is selected to make the telephone report and a single written external report and (if required) internal report. The selected UCLA Mandated Reporter will provide copies of the reports to the other UCLA Mandated Reporters.

9. Does the Act require background checks?

No, CANRA does not require background checks; however, such checks are required by other policies. For a list of University positions subject to background check requirements, see *System wide Guidelines on Designating Critical Positions* (PPSM 21) (<http://policy.ucop.edu/doc/4010394/PPSM-21>).

The University's sexual misconduct and molestation insurance may not provide coverage if the individual involved was not appropriately fingerprinted and/or did not undergo the appropriate background checks.

10. What if I am working for the University in another state or outside the United States?

CANRA is a California law. Child abuse or neglect identification and reporting laws vary by state, although they tend to impose similar requirements. Information about state laws on child abuse and neglect can be found at <https://www.childwelfare.gov/topics/systemwide/laws-policies/> Employees who would like information on child abuse and neglect reporting laws of another state or those that pertain to their international activities should contact their local Office of Legal Affairs to obtain advice.

11. Do I have to report suspected child abuse or neglect to my supervisor or the UC hotline?

If you have a duty to make an external report you also must make an internal report to your supervisor or the University Compliance Hotline (which accepts anonymous reports), unless you are within the following exception:

All employees and officials of UCLA Health at University owned or operated hospitals, clinics, or other health care facilities, including student health and psychological services facilities, or other psychology clinical services are exempt from this internal reporting obligation, but must comply with any reporting obligations required by their facilities' local policies. See UCLA Policy 136, Section III.C.

12. We rent our facilities to individuals and organizations that operate programs for children such as conferences, retreats, and day camps. Does the policy apply in those situations?

CANRA applies to any Mandated Reporter and to any employer (such as an independent camp that rents University facilities) of Mandated Reporters. The University policy applies to University personnel who provide services to those camps. For example, a University employee who provides food services at a camp and who regularly comes into contact with campers who are children is a UCLA Mandated Reporter under UCLA Policy 136, as is their immediate supervisor. Otherwise, food service employees do not interact with children on a regular basis and thus are not required to be identified as mandated reporters. A volunteer who runs a retreat program for children on behalf of the University is also a UCLA Mandated Reporter (an "Official" under UCLA Policy 136).

University administrators who are responsible for managing facility rentals for camps or other programs that may bring children onto campus facilities should comply with any campus contracting standards requiring such renters to conduct background checks, comply with CANRA, and promptly report any observed or suspected abuse to appropriate authorities.

13. What happens if a UCLA Mandated Reporter refuses to sign an acknowledgement form?

Signing the acknowledgement form is a condition of employment, or continued employment, and failure to sign the form may result in revocation of an offer of employment or disciplinary action up to and including dismissal.

14. What happens if I don't make a mandatory report?

Violation of CANRA may result in criminal penalties including fines, imprisonment, or both. Violation of University Policy may result in disciplinary action consistent with applicable University personnel policies and collective bargaining agreements.

15. Where can I find additional information and resources?

- California Attorney General Child Abuse Index (<http://oag.ca.gov/childabuse>), Forms (<http://oag.ca.gov/childabuse/forms#doj>), and Background Check Information (<http://oag.ca.gov/fingerprints>)
- Bureau of Medi-Cal Fraud & Elder Abuse (<http://oag.ca.gov/bmfea>)
- CDSS Child Abuse Mandated Reporter Training Project (<http://mandatedreporterca.com>)
- CDC Guide to Preventing Child Abuse Within Youth-Serving Organizations (<http://www.cdc.gov/violenceprevention/pub/preventingchildabuse.html>)
- California Attorney General Citizen's Guide to Preventing & Reporting Elder Abuse (http://ag.ca.gov/bmfea/pdfs/citizens_guide.pdf) and Child Abuse Prevention and Treatment Act factsheet (<https://www.childwelfare.gov/pubs/factsheets/about.cfm>)
- Clery Act (<http://www.cleryact.info>)