

Mandatory Reporting Laws in California

California, like many other states, has a broad net of mandatory reporting laws. While these laws are intended to protect children by casting a wide net, they actually often result in overreporting of families, particularly Black, Indigenous, and low-income families, to the “child welfare system,” also known as the “family policing system,” for circumstances that often arise from poverty, rather than neglect. This can leave the families most in need of support and resources afraid to ask for it.

What is mandated reporting?

Mandated reporting laws require certain people, called mandated reporters, to report any known or suspected instances of child abuse or neglect to the county child welfare department, often called child protective services (CPS) or a local law enforcement agency. Under these laws, if a mandated reporter does not make a report when they are supposed to, they can face serious penalties. Other people can choose to report to CPS, but mandated reporters **have** to report.

Who is a mandated reporter for child abuse and neglect?

Mandated reporters are primarily people who have contact with children through their employment, such as:

- People who work in schools, like teachers, school administrators, guidance counselors, school nurses, janitors, cafeteria workers, and coaches
- People who work at youth organizations (including youth who work at youth organizations), like day camps, afterschool programs, and childcare facilities
- People who work in the medical field, like doctors, nurses, dentists, counselors, and therapists
- People who work for government agencies, like police officers, probation workers, firefighters, social workers, and public assistance workers
- People who work with child welfare agencies, like group home workers

- People who work in religious organizations, like clergy members
- Foster parents
- People who work for organizations like homeless shelters or domestic violence agencies and have direct supervision or contact with children

The full list of jobs and/or responsibilities that make a person a mandated reporter is found under California Penal Code § 11165.7. Attorneys are not mandated reporters. People who are not mandated reporters who suspect child abuse or neglect may report but are not required to do so.

What are mandated reporters required to report?

Mandated reporters are required to report “suspected” child abuse or neglect. The mandated reporter can have personal knowledge of the child abuse or neglect, such as a child telling them or seeing it themselves, or “reasonably suspect” that a child is experiencing abuse or neglect. No actual proof of abuse or neglect is needed.

California law defines child abuse as when someone purposefully physically injures a child, subjects a child to cruelty or unjustifiable punishment, and/or sexually abuses or exploits a child. California law defines neglect as when a parent or caretaker fails to provide a child with adequate food, clothing, shelter, medical care, or supervision.

When is physically disciplining a child considered child abuse?

Generally, a parent or guardian has the right to discipline their own child by administering reasonable punishment. But, that right ends when the parent or guardian purposefully inflicts cruel or inhumane physical punishment and/or injures the child as a result of the application of physical force. For example, a parent or guardian may legally spank a child, but the spanking cannot be excessive. Courts generally find that if the spanking inflicts an injury, it has crossed the line from reasonable punishment to child abuse.

Are there any behaviors that mandated reporters aren't required to report?

Yes. Mandated reporters do not have to report:

- Injuries that occur from a mutual fight with another child;
- Injuries that occur from school officials trying to stop a child from hurting themselves or others;
- Injuries that occur from law enforcement acting reasonably;
- Homelessness; and
- Parent giving birth to an infant with a positive drug screen but no other factors showing risk to the child. However, because doctors and licensed nurses are mandated reporters, they may still, and routinely do, report a positive drug screen if they are concerned about potential abuse and neglect of the infant.

Mandated reporters can *choose* whether to report when they believe a child is experiencing “serious emotional damage,” such as severe anxiety or depression.

Will disclosing domestic violence in my household trigger a report to Child Protective Services?

Domestic violence in the household does not automatically trigger a report to Child Protective Services. However, mandated reporters must report domestic violence incidents that caused physical injury to the child or created a serious risk of physical injury to the child.

Even though the law does not require reporting of domestic violence to Child Protective Services, some police departments have policies of reporting to Child Protective Services all cases involving domestic violence when there are children in the home.

Mandated reporters can choose to report a domestic violence incident that caused serious emotional damage to the child or created a substantial risk of serious emotional damage to the child.

Even domestic violence counselors may have to report to Child Protective Services if they suspect a child has been abused or neglected and they have direct supervision or contact with children.

When are mandated reporters required to make a report?

If a mandated reporter knows or thinks that a child is experiencing abuse or neglect, they must file a report immediately.

Where do mandated reporters send their reports?

Mandated reporters may choose to report the abuse and neglect to a local law enforcement agency (police/sheriff/probation department) or the county child welfare department. Either the county child welfare department or local law enforcement (or both) agencies may investigate a child abuse or neglect report made by a mandated reporter.

What information is included in a mandated reporter's report to the child welfare agency?

The report will include how the mandated reporter knows the child is experiencing abuse or neglect or why they think a child is abused or neglected. The report will also list the name and contact information of the mandated reporter, the child, the child's parent or guardian, and the suspected abuser.

Do mandated reporters have to undergo training on what to report?

Yes, all mandated reporters receive training from their employers about their reporting requirements and confidentiality rights. Mandated reporters working in schools, childcare, and child welfare services have additional training on identifying and reporting child abuse and neglect.

Can mandated reporters make an anonymous report?

Mandated reporters must identify themselves to the county child welfare department when making child abuse or neglect reports, but their identity cannot be disclosed to the family or anyone else not directly involved in the investigation of the case. Persons who are not legally mandated reporters may make anonymous reports to child welfare services.

If a mandated reporter makes a report about me, am I allowed to know who made it and what they said?

No. A mandated reporter's identity cannot be disclosed to the family or anyone else not directly involved in the investigation of the case. However, you can contact your local Child Protective Services to see if you are eligible to receive a copy of the report with further details.

What happens if a mandated reporter does not file a report?

If a mandated reporter knows or thinks that a child is experiencing abuse or neglect and does not file a report, they can face up to six months in county jail and/or a \$1,000 fine. The punishment can be worse if the child is severely harmed. If a mandated reporter knows that another mandated reporter failed to make the initial report, they must make the report themselves or they too could be liable.

What happens if a mandated reporter makes a false report?

In California, mandated and nonmandated reporters have immunity from criminal or civil liability for reporting if they believe the report to be true.

However, if it can be proven that the reporter made a false report and they knew it was false, anyone harmed by the false report can sue the reporter in state or federal civil court.

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