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City Responsibility in Reporting Child Abuse

By Cathy Tyson

After some recently well publicized child abuse incidents, the Contra Costa Civil Grand Jury is asking Lafayette, along with other cities in Contra Costa County, to respond to recommendations about responsibilities regarding reporting child abuse.

According to Grand Jury report 1403, multiple lawsuits alleging child abuse, and the failure to report suspected instances, have revealed that many employees of public entities, including cities, do not understand their duties to identify and report suspected or known instances of child abuse.

The report blames inadequate training of employees and other personnel in "their legal obligation as mandated reporters." Cities are asked to implement an annual training program for staff. Lafayette already has policies and procedures in place addressing this issue. The report makes recommendations about mandated reporters and clarifies what is reasonable suspicion.

Buried in a lot of legal lingo in California Penal Code section 11166.01 about a mandated reporter who fails to report an incident, the penalty is spelled out: "[They] shall be punished by not more than six months in a county jail, by a fine of not more than \$1,000 or by both that fine and imprisonment." Failing to report abuse or neglect or impeding the reporting of same where great bodily injury or death occurs can be punished with not more than a year in jail and a \$5,000 fine, or both.

Lafayette already has implemented a policy to train its employees and other personnel about their obligation to identify and report suspected cases of child abuse and has determined which personnel are mandated reporters. All employees who are mandated reporters have completed initial training, and Parks and Recreation employee orientation includes mandated reporter training.

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