

From: Dallas Rabenstein
To: All Faculty and Staff
Subject: Campus Procedure for Child Abuse and Neglect Reporting
Date: October 16, 2013

On July 1, 2013, UCOP implemented a policy for reporting known or suspected abuse and neglect of children on all UC campuses and medical centers. Such reporting has been a matter of law in California for certain UC faculty and staff (Mandated Reporters) based upon defined professions and roles. The law was amended effective January 1, 2013 to include a broader group of Mandated Reporters. The policy is intended to ensure that the University is in compliance with the law, and moreover to require that Mandated Reporters also make *internal* reports to ensure the University's leadership is promptly made aware of known or suspected abuse of children on our campuses.

The UCR Ethics and Compliance Risk and Audit Committee (ECRAC) identified protection of children as one of the top ten risk factors on our campus, and plans to audit the campus for compliance with the system-wide policy. Accordingly, the campus has developed the attached procedure which contains steps each department must follow to ensure Mandated Reporters are identified, notified of their obligations, and are provided access to appropriate training and each department performs and documents, at least annually, that such steps have been taken; and instructions for Mandated Reporters and other responsible parties to follow when known or suspected child abuse or neglect comes to their attention.

All employees whose University duties require direct contact and supervision of children are Mandated Reporters. This group may include faculty members who hire children under age 18 to assist with scholarship, research, or other academic activities as volunteers or interns. Employees (including faculty members and other academic personnel) and administrators whose duties bring them into contact with children on a regular basis, or who supervise others with such duties, are mandated reporters for child abuse or neglect occurring on the University's premises or at official University activities or programs.

The majority of faculty, when fulfilling their normal campus instructional duties, are not considered mandated reporters. However, faculty who are licensed health professionals are generally mandated reporters. In addition, faculty members and other academic personnel who have responsibility for instruction at the preschool, elementary, or high school level such as those who teach high school seminars or who serve as mentors in on-campus high school internship programs are considered mandated reporters.

For 2013, the procedure requires each department to conduct a review to ensure all Mandated Reporters have been identified and have signed the CANRA Acknowledgement Form and to submit a

copy of their current List of Mandated Reporters to Labor Relations, along with a statement certifying that the list is current and complete, by December 1, 2013. In subsequent years, this must be done by November 1st.

UCOP has contracted with Praesidium to provide training for Mandated Reporters. The procedure requires each department to identify which of several on-line courses is appropriate for the Mandated Reporters in each department/program. If the Program Directors would like to preview the courses prior to selecting appropriate training for their staff and volunteers, they may self-register by following the attached instructions.

In closing, while this local procedure is intended to address our obligations under policy, it is not intended to limit our commitment to ensuring a safe environment for children. I encourage all members of the UCR community to report any situations which give rise to concern to the appropriate offices immediately.

Questions about this policy or the local procedure, including identification of Mandated Reporters, may be directed to the Director of Labor Relations at (951) 827-3641.

I. RELATED POLICIES AND REFERENCES

Reporting Child Abuse and Neglect

II. DEFINITIONS

Child: A person under the age of 18 years. The term “child” includes Students who are under the age of 18, even those who are enrolled in regular University programs or who are not legally “minors.”

Child Abuse or Neglect: Refers to physical injury or death inflicted by other than accidental means on a child by another person. It includes willful harm or injury; sexual abuse, assault or exploitation; endangerment; and unlawful corporal punishment or injury.

Child Abuse and Neglect Reporting Act (the “Act” or “CANRA”): California Penal Code §§ 11164-11174.3, as currently in effect or subsequently amended.

Departmental Compliance Designee: Manager or other individual designated by department chair/director to carry out departmental obligations found in the policy/local procedure.

Mandated Reporter: A University Employee, Official, or Volunteer who is required under the Act due to their license or profession, or otherwise by virtue of their University position or activities, to report child abuse and neglect to specified authorities. See Policy Appendix A, *Mandated Reporter Categories*, for a summary of affected jobs and professions. For purposes of this policy, an “Employee” is any individual who has a relationship with the University for which compensation is paid through the University’s payroll system. An “Official” (referred to as an “Administrator” in CANRA) is any individual who, other than as an employee (for example, as an independent contractor or a volunteer) supervises Employees performing official University business or directs or manages official University programs. A “Volunteer” is an individual providing a service to the University under the supervision of the University (other than as an Employee, Official, or Student), without receipt of monetary compensation. “Without compensation” academic personnel are “volunteers” under this policy.

Reasonable Suspicion: This refers to a situation in which it is reasonable for a person to suspect abuse or neglect based on the information he or she has and his or her training and experience. It does not require certainty that child abuse or neglect has occurred, nor a specific medical indication of abuse or neglect.

Senior Administrator: This group refers to any Employee or Official holding the title of Director or above. Senior Administrators include, among others, all Chancellors and Vice Chancellors, Provosts and Vice Provosts, Deans, Associate Deans and Assistant Deans Department Chairs, Division Chiefs and Chief Executive Officers.

Student: An individual for whom the University maintains student records and who is enrolled in or registered with any University academic program and who is not a University Employee. For purposes of this policy, the term “student” does not apply to other individuals who may qualify as students under general University policies. See Policies Applying to Campus Activities, Organizations and Students (AOS 14.40).

III. PROCEDURES

a. Identification

- i. Upon implementation of this policy, each department shall utilize the list of Mandated Reporter Categories (see Appendix A) and identify all job classifications or individual academic or staff Employees or Officials who are Mandated Reporters.
 1. Each academic quarter, academic departments shall make a good faith effort to survey faculty to determine if any faculty member’s professional activities involving children render the faculty member a Mandated Reporter. Following that survey, faculty members are responsible to inform the Departmental Compliance Designee in writing of changes to their activities during the academic quarter which result in the faculty member having regular contact and/or supervision of children.
- ii. Upon revision of position descriptions or establishment or reclassification of positions, each department shall determine if the current or prospective incumbent of that position is/will be a Mandated Reporter.
- iii. Each department shall establish and maintain a current List of Mandated Reporters. (See Appendix C)
- iv. By December 1, 2013 and by November 1st of each calendar year thereafter, each department shall 1) conduct a review to ensure all Mandated Reporters have been identified and have signed the Statement Acknowledging Requirement to Report Child Abuse (CANRA Acknowledgement Form) (See Appendix B); and 2) submit a copy of their current List of Mandated Reporters to Labor Relations, along with a statement certifying that the list is current and complete.

b. Notification

- i. Within thirty (30) calendar days of implementation of this procedure, Departmental Compliance Designees shall advise all current academic or staff Employees or Officials who are identified as Mandated Reporters of the

requirements to report any observed or suspected child abuse or neglect and obtain their signatures on a statement acknowledging these responsibilities (the CANRA Acknowledgement Form).

- ii. Upon discovering that an existing Employee is a Mandated Reporter but has not previously signed the acknowledgement form, the Departmental Compliance Designee shall advise the Employee that he/she is a Mandated Reporter and of the requirements to report any observed or suspected child abuse or neglect and obtain his/her signature acknowledging these responsibilities (the CANRA Acknowledgement Form). Such signature must be secured within thirty (30) calendar days of the discovery.
- iii. Prior to appointment of new appointees to academic or staff positions identified as Mandated Reporters, Departmental Compliance Designees shall advise them of the requirements to report any observed or suspected child abuse or neglect and obtain their signature acknowledging these responsibilities as a condition of employment (the CANRA Acknowledgement Form).
- iv. Departmental Compliance Designees should advise all volunteers, especially those who serve as University Administrators and those who otherwise regularly interact with children through University programs, of their statutory obligations to and University expectations for reporting any observed or suspected child abuse or neglect. The CANRA Acknowledgement Form may be used for this purpose; however, volunteers are not required to sign the form.
- v. The Department shall maintain the original signed CANRA Acknowledgement Form in each Mandated Reporter's personnel file.
- vi. The Department shall ensure that the List of Mandated Reporters is updated to reflect the most recent date upon which each Mandated Reporter signed the CANRA Acknowledgment Form.

c. Training

- i. In accordance with the [University of California Reporting Child Abuse and Neglect Policy](#), any UC Riverside employee who has been identified as a Mandated Reporter is required to complete training in the identification and reporting of suspected child abuse and/or neglect.
- ii. Individuals who have been assigned to complete the training will receive a system-generated notification and can find the CANRA e-course assignment listed in the Required Training analysis in the UC Learning Center.
- iii. Mandated Reporters who have not yet been assigned this course can find and complete the course by searching the UC Learning Center for CANRA. The training can also be found in the Library in "UC Administrative Policies & Procedures" or "UC Systemwide Compliance." **Only training accessed through the UC Learning Center fulfills the training requirement.**
- iv. Individuals without access to the UC Learning Center can find the most current version of the California Mandated Reporter training at: https://training.ucr.edu/courses#canra_mandated_reporter

- v. Supplemental Best Practices for Activities Involving Minors on Campus can be found on the Risk Management website at <https://risk.ucr.edu/minors-campus>.
 - vi. Departmental Compliance Designees shall ensure that each Mandated Reporter is provided instructions on how to access the training they are advised to complete.
 - vii. Mandated Reporters must comply with the duties imposed by the Act whether or not they have received training from the University or any third party.
- d. Documentation
- i. Each department shall maintain compliance-related records, including, but not limited to, the List of Mandated Reporters and surveys/written updates from faculty regarding their professional activities involving children, consistent with UC's records retention policy.
- e. Violations of Policy
- i. Failure to sign a CANRA Acknowledgement Form required by the law may result in revocation of an offer of employment.
 - ii. Failure of current employees, who are required to sign but who have not previously signed, to sign a CANRA Acknowledgement Form when requested may result in a prohibition on contact with minors. This in turn may result in an inability to perform required job functions, and ultimately, disciplinary action up to and including dismissal.
 - iii. Failure of a Mandated Reporter to make internal and external reports of suspected child abuse and neglect may result in disciplinary action up to and including termination (for internal reports) and/or criminal penalties (for external reports)
 - iv. Other violations of the University policy and/or this procedure may result in disciplinary action up to and including termination.

IV. RESPONSIBILITIES

- a. All Persons
- i. Any person, whether or not identified as a Mandated Reporter, who reasonably believes he or she has observed a murder, rape, or certain lewd or lascivious acts where the victim is a child under the age of 14 years is required to notify a peace officer of the potential crime.
 - ii. Individuals who are not otherwise required to report under this policy are encouraged to report observed or suspected child abuse or neglect to their supervisors or through the University Compliance Hotline.
(<https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>)

- b. Mandated Reporter
 - i. Sign CANRA Acknowledgement Form.
 - ii. Participate in identified training related to identification of child abuse and neglect and reporting obligations under the Act and University policy.
 - iii. Report observed or suspected child abuse or neglect to external agency(ies) designated to receive such reports. These include police and sheriffs' departments, such as the UC Police Department, and county welfare departments. Such report must be made immediately, by telephone, and followed by a written report as soon as reasonably practicable, but in any event within 36 hours. A written report must include the information described in Section 11167(a) of the Act and may be submitted on form SS8572, available online at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf
 - iv. Promptly report observed or suspected child abuse or neglect to his/her supervisor or through the University Compliance Hotline (<https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>)
 - 1. Mandated Reporters at University Healthcare Facilities who observe or suspect child abuse or neglect at University owned or operated hospitals, clinics or other health care facilities, including student health and psychological services facilities, must comply with any internal reporting regulations set forth in the facilities' local by-laws and policies.
 - 2. This internal reporting requirement does not apply to victim advocates employed by or volunteering in campus resource or advocacy centers who identify abuse or neglect in connection with their confidential work as advocates.
- c. Supervisor
 - i. Upon receipt of reports of observed or suspected child abuse or neglect from Mandated Reporters or others, promptly forward those reports to the Hotline. (<https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>)
- d. Departmental Compliance Designee
 - i. Advise current and new appointees to academic or staff positions identified as Mandated Reporters of the requirements to report any observed or suspected child abuse or neglect and require them to sign a statement acknowledging these responsibilities.
 - ii. Ensure CANRA Acknowledgement Forms are placed in Mandated Reporters' personnel files.
 - iii. Identify appropriate training, if any, for each Mandated Reporter and provide instructions to each Mandated Reporters on how to access the training they are advised to complete.
- e. Senior Administrator
 - i. Upon receipt of reports of observed or suspected child abuse or neglect from Mandated Reporters or others, immediately forward those reports to the Hotline. <https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>

- f. Department
 - i. Identify job classifications or individual academic or staff Employees and Officials who, by virtue of professional licensure or required job qualifications (e.g., licensed health professionals) or their University duties or activities (e.g., day care workers, campus police, high school internship supervisors), are Mandated Reporters.
 - ii. Identify Volunteers who are Mandated Reporters.
 - iii. Ensure Mandated Reporters understand responsibilities under the Act and University Policy
 - iv. Ensure Mandated Reporters sign a statement (the CANRA Acknowledgement Form) that they understand and will comply with the Act.
- g. Audit and Advisory Services
 - i. Conduct periodic audits to confirm compliance with the policy and this local procedure.
- h. Human Resources
 - i. Provide advice and assistance to departments and organizational units on applicability of CANRA and the Policy to their academic and staff employees and officials
 - ii. Prior to posting vacant positions, ensure that the Department has reviewed the position to determine if it will be a Mandated Reporter. If so, ensure the position description and job announcement include this information.

Appendix A - Mandated Reporter Categories

Type of Entity	Affected Individuals
postsecondary institutions (as of January 1, 2013)	<ul style="list-style-type: none"> • an employee or administrator whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution • an athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions
public or private schools	teachers, instructional aides, teacher's aides, teacher's assistants, classified employees, administrative officers and supervisors of child welfare attendance, and certified pupil personnel employees, administrators or presenters of or counselors in child abuse prevention programs
community care or child day care facilities	licensees, administrators, and employees
day camps	administrators
private youth centers, youth recreation programs, youth organizations	administrators or employees

Type of Profession	Affected Individuals
health care professionals	all licensed health professionals and certain trainees and interns, including: physicians, psychiatrists, psychologists, dentists (and residents and interns), pharmacists, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, marriage and family therapists (and trainees and interns), clinical social workers, professional clinical counselors (and trainees and interns); certified EMTs, paramedics, and other emergency technicians; registered psychological assistants; alcohol and drug counselors; coroners, medical examiners, and others who perform autopsies
law enforcement and public safety professionals	employees of any police department, county sheriff's department, county probation department, or county welfare department; peace officers; firefighters; district attorney investigators, inspectors, local child support agency caseworkers (unless the investigator, inspector or caseworker is working with certain attorneys to represent the children); social workers; probation officers, parole officers; employees of school district police or security departments; animal control and human society officers
Clergy	priests, ministers, rabbis, religious practitioners, or similar functionaries of any church, temple, or recognized denomination or organization; and their respective records custodians
any public or private organization	administrators or employees whose duties require direct contact and supervision of children
child care institutions	employees (including, but not limited to, foster parents, group home personnel, personnel of residential care facilities)
State Department of Education County Offices of Education	employees whose duties bring them into contact with children on a regular basis
State Department of Social Services (and county contractors)	licensing workers and licensing evaluators
Head Start Program	teachers
commercial photography and filmmaking	commercial film and photographic print processors (including anyone who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation, as well as their employees), excluding public agencies

Type of Profession	Affected Individuals
Human Resource employees (including academic personnel staff or other such location employees who are charged with handling discrimination complaints)	employees designated by UC to accept any complaints of discrimination misconduct per Gov't Code section 12940, et. seq.
adults who supervise minor employees	adults whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace
miscellaneous	public assistance workers; state and county public health employees who treat minors for VD or other conditions; compensated child visitation monitors; employees or volunteers of Court Appointed Special Advocate program; certain custodial officers; supportive services providers delivering services to children under the Welfare & Institutions Code

Name:		Title	
-------	--	-------	--

California law *requires* certain people to report known or suspected child abuse or neglect. You have been identified as a person who may be a “mandated reporter.” A summary of mandated reporter categories is provided at Appendix B-1. Relevant provisions of the Child Abuse and Neglect Reporting Act (CANRA) are provided in Appendix B-2. The complete statute can be found online at [Cal. Pen. Code §§ 11164-11174.3](http://leginfo.ca.gov/pub/00_01_01_11164-11174_3.html).

When Reporting Abuse is Required

Any person who reasonably believes he or she has observed murder, rape, or lewd or lascivious acts where the victim is age 14 or younger must promptly notify law enforcement authorities. In addition, a mandated reporter, who in his or her professional capacity, or within the scope of his or her employment, has knowledge of or observes a person under the age of 18 years (even an enrolled or registered student) whom he or she knows or reasonably suspects has been the victim of child abuse or neglect must report the suspected incident. The reporter must contact a designated agency immediately or as soon as practically possible by telephone, and must prepare and send a written report within 36 hours of receiving the information concerning the incident. [CANRA § 11165.6]

Abuse That Must be Reported

- *Physical injury* inflicted by other than accidental means. [CANRA § 11165.6]
- *Sexual abuse* meaning sexual assault or sexual exploitation of a child. [CANRA § 11165.1]
- *Sexual exploitation*, meaning depicting a child in, or knowingly developing, duplicating, printing, downloading, streaming, accessing through any electronic or digital media, or exchanging, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct. [P.C. 111165.1]
- *Neglect* meaning the negligent treatment, 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]

Where to Call in and Send the Written Abuse Report

Reports of suspected child abuse or neglect must be made to any police department or sheriff’s department (not including a school district police or security department), county probation department (if designated by the county to receive mandated reports), or county welfare department. [CANRA § 11165.9] Campus Police accept reports. The written report must include the information described in CANRA § 11167(a) and may be submitted on form BCIA 8572, available online at [Suspected Child Abuse Report](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf) (http://ag.ca.gov/childabuse/pdf/ss_8572.pdf). In addition, an internal report must be made to your supervisor or to the University Compliance Hotline. This internal report may be made anonymously.

Immunity and Confidentiality of Reporter and of Abuse Reports

Mandated reporters have immunity from criminal or civil liability for reporting as required or authorized by law. [CANRA § 11172(a)] The identity of a mandated reporter is confidential and disclosed only among agencies receiving or investigating reports, and other designated agencies. [PC § 11167(d)(1)] Reports are confidential and may be redisclosed only to specified persons and agencies. Any violation of confidentiality provided by CANRA is a misdemeanor punishable by imprisonment, fine, or both. [PC § 11167.5(a)- (b)]

Penalty for Failure to Report Abuse

A mandated reporter who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1000, or both. [CANRA § 11166(b)]

Copy of the Law

My employer, the University of California, has provided me with a copy of CANRA sections 11165.7, 11166, and 11167. [CANRA § 11166.5(a)]

Acknowledgement of Responsibility

I have knowledge of my responsibility to report known or suspected child abuse or neglect in compliance with CANRA § 11166.

Signature	Print Name	Date
-----------	------------	------

Appendix B-1

Who is a Mandated Reporter under California's Child Abuse and Neglect Reporting Act ("CANRA")?

Type of Entity	Affected Individuals
postsecondary institutions (as of January 1, 2013)	<ul style="list-style-type: none"> ● an employee or administrator whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution ● an athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions
public or private schools	teachers, instructional aides, teacher's aides, teacher's assistants, classified employees, administrative officers and supervisors of child welfare attendance, and certified pupil personnel employees, administrators or presenters of or counselors in child abuse prevention programs
community care or child day care facilities	licensees, administrators, and employees
day camps	administrators
private youth centers, youth recreation programs, youth organizations	administrators or employees

Type of Profession	Affected Individuals
health care professionals	all licensed health professionals and certain trainees and interns, including: physicians, psychiatrists, psychologists, dentists (and residents and interns), pharmacists, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, marriage and family therapists (and trainees and interns), clinical social workers, professional clinical counselors (and trainees and interns); certified EMTs, paramedics, and other emergency technicians; registered psychological assistants; alcohol and drug counselors; coroners, medical examiners, and others who perform autopsies
law enforcement and public safety professionals	employees of any police department, county sheriff's department, county probation department, or county welfare department; peace officers; firefighters; district attorney investigators, inspectors, local child support agency caseworkers (unless the investigator, inspector or caseworker is working with certain attorneys to represent the children); social workers; probation officers, parole officers; employees of school district police or security departments; animal control and human society officers
clergy	priests, ministers, rabbis, religious practitioners, or similar functionaries of any church, temple, or recognized denomination or organization; and their respective records custodians
any public or private organization	administrators or employees whose duties require direct contact and supervision of children
child care institutions	employees (including, but not limited to, foster parents, group home personnel, personnel of residential care facilities)
State Department of Education County Offices of Education	employees whose duties bring them into contact with children on a regular basis
State Department of Social Services (and county contractors)	licensing workers and licensing evaluators
Head Start Program	teachers
commercial photography and filmmaking	commercial film and photographic print processors (including anyone who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation, as well as their employees), excluding public agencies
Human Resource employees (including academic personnel staff or other such location)	employees designated by UC to accept any complaints of discrimination misconduct per Gov't Code section 12940, et. seq.

Type of Profession	Affected Individuals
employees who are charged with handling)	
adults who supervise minor employees	adults whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace
miscellaneous	public assistance workers; state and county public health employees who treat minors for VD or other conditions; compensated child visitation monitors; employees or volunteers of Court Appointed Special Advocate program; certain custodial officers; supportive services providers delivering services to children under the Welfare & Institutions Code

Appendix B-2

California Child Abuse & Neglect Reporting Act – Selected Provisions

Note: The complete text of CANRA may be found online at [Cal. Pen.Code §§ 11164-11174.3](#).

11165.1 As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

- (a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), Section 264.1 (rape in concert), Section 285 (incest), Section 286 (sodomy), Section 287 or former Section 288a (oral copulation), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), Section 289 (sexual penetration), or Section 647.6 (child molestation).
- (b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:
 - (1) Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
 - (2) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
 - (3) Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.
 - (4) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
 - (5) The intentional masturbation of the perpetrator's genitals in the presence of a child.
- (c) "Sexual exploitation" refers to any of the following:
 - (1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).
 - (2) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a 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.
 - (3) A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.
- (d) "Commercial sexual exploitation" refers to either of the following:
 - (1) The sexual trafficking of a child, as described in subdivision (c) of Section 236.1.
 - (2) The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act described in this section or subdivision (c) of Section 236.1.

11165.7 (a) As used in this article, "mandated reporter" is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a 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, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
- (9) An employee of a county office of education or the State 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) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a 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 and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) An 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 and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed associate marriage and family therapist 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 other person who performs autopsies.
- (29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.
- (30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another 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 a 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 a 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 (d) 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 (d) of Section 11166.
- (34) An 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 5.655 of the California Rules of Court.
- (36) A custodial officer, as defined in Section 831.5.
- (37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.
- (38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.
- (39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.
- (40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.
- (41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.
- (42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.
- (43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.
- (B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.
- (44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.
- (45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.
- (46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(47) A qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional, as defined in Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

(48) A human resource employee of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code that employs minors. For purposes of this section, a "human resource employee" is the employee or employees designated by the employer to accept any complaints of misconduct as required by Chapter 6 (commencing with Section 12940) of Part 2.8 of Division 3 of Title 2 of the Government Code.

(49) An adult person whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code is a mandated reporter of sexual abuse, as defined in Section 11165.1. Nothing in this paragraph shall be construed to modify or limit the person's duty to report known or suspected child abuse or neglect when the person is acting in some other capacity that would otherwise make the person a mandated reporter.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) (1) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(2) Employers subject to paragraphs (48) and (49) of subdivision (a) shall provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. The training requirement may be met by completing the general online training for mandated reporters offered by the Office of Child Abuse Prevention in the State Department of Social Services.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting law s. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a child care licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a child care administrator or an employee of a licensed child day care facility shall take training in the duties of mandated reporters during the first 90 days when that administrator or employee is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child day care facility shall take renewal mandated reporter training every two years following the date on which that person completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's 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. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written follow up report 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.

(1) For purposes of this article, "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 the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone follow up call by the agency with which the mandated reporter filed the report. A mandated reporter who files a one-time automated written report because the mandated reporter was unable to submit an initial report by telephone is not required to submit a written follow up report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written follow up report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first. (4) This section does not supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section 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. If a mandated reporter intentionally conceals the mandated reporter's failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of the clergy member's church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the clergy member's church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in the clergy member's professional capacity or within the scope of the clergy member's employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of that person's professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written follow up report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of the technician's professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written follow up report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7. (4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumb drive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, the mandated reporter makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom the person 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 to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in the person's private capacity and not in the person's professional capacity or within the scope of the person's employment.

(h) When 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.

(i) (1) The reporting duties under this section are individual, and 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. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow the employee's supervisor to file or process a mandated report under any circumstances.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose the employee's identity to the employer.

(3) Reporting the information regarding a case of possible 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 specified in Section 11165.9.(j) (1) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child that relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall 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, shall also 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. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

(e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.

(f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.

