



How do you know if you are a mandated reporter?*

Mandated reporters are listed in California law (Penal Code sections 11165.7, 11166). A full list is attached to this tip sheet.

Most mandated reporters fall into three categories:

- **Licensed professionals** like doctors, dentists, nurses, psychiatrists, psychologists, marriage and family therapists and trainees, social workers, clinical counselors, alcohol and drug abuse counselors at state licensed or certified treatment programs, paid and court-ordered child visitation monitors, and court-appointed special advocates (CASAs).
- **People who take care of children** like teachers, coaches, day care providers, foster and group home providers, and youth center employees.
- **Public Safety workers** like police, firefighters, EMTs and probation/parole officers.

If you are not sure whether your license requires you to report suspected child abuse, you should ask your licensing board.

Are domestic violence advocates mandated reporters?

No. Unlike in some other states, **DV advocates are not listed as mandated reporters in California law.** In fact, DV advocates are prohibited from disclosing personally identifying information about the survivors they work by federal law if their agencies receive funding from the Violence Against Women Act, Family Violence Prevention & Services Act, or Victims of Crime Act, unless their client gives them informed, written permission to share that information.

BUT, if you are a DV advocate and have one of the licenses listed on the back of this sheet, you are a mandated reporter and your obligation to report suspected child abuse is an exception to the requirement that DV advocates maintain a client's confidentiality. You should discuss this with your clients before you let them speak to you.

What about other workers at DV programs not listed in the law?

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If your paid job duties require you to directly supervise children, you are a mandated reporter. Otherwise, you are not.

Volunteers at DV programs are **never** mandated reporters, this includes volunteers whose regular, paid work does make them mandated reporters. For instance, if a licensed social worker volunteers on a DV hotline, she cannot report suspected child abuse she learns of while working as a volunteer on the hotline.

What does it mean to have job duties that require you to directly supervise children?

There are actually 3 requirements here, and each must apply for you to be a mandated reporter who will not be violating your client’s confidentiality by making a report of suspected child abuse.

First, supervising children must be part of your **job duties**, not something you do as a volunteer or as a favor.

Second, you are **being paid** for your **work** and your **job description** and your **actual work** require you to supervise children. For instance, if you are a receptionist and a mother asks you to keep an eye on her five year-old while she goes to the restroom, you are **not** a mandated reporter because your paid work doesn’t include watching children.

Third, supervising children means that their parents or another guardian are not in charge of the children when you are with them. For instance, if the children can come to you and leave you without their parent signing them in and out, then you might not be “supervising” them.

Who IS a Mandated Reporter

<u>MANDATED REPORTERS</u>	<u>STATUTORY BASIS</u>
Clergy members, including priests, ministers, rabbis, religious practitioners, or similar functionaries of a church, temple, or recognized denomination or organization, and any custodian of records of a clergy member.	Penal Code section 11165.7(a)(32), (33); Penal Code section 11166
Teachers	Penal Code section 11165.7(a)(1)
Instructional aides	Penal Code section 11165.7(a)(2)
Teacher’s aide or teacher’s assistant (public or private school)	Penal Code section 11165.7(a)(3)
Classified employees of a public school	Penal Code section 11165.7(a)(4)
Athletic coaches, administrators, and directors, if employed by a public or private school serving K-12 students	Penal Code section 11165.7(a)(42)

Any athletic coach at a public or private postsecondary educational institution, including assistant coaches and graduate assistants.	Penal Code section 11165.7(a)(44)
An administrative officer or supervisor of child welfare and attendance of a public or private school	Penal Code section 11165.7(a)(5)
A certified pupil personnel employee of a public or private school	Penal Code section 11165.7(a)(5)
People who are administrators, presenters, or counselors in child abuse prevention programs in a public or private school	Penal Code section 11165.7(a)(17)
An administrator of a public or private day camp	Penal Code section 11165.7(a)(6)
An administrator or employee of a public or private youth center, youth recreation program, or youth organization.	Penal Code section 11165.7(a)(7)
An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children	Penal Code section 11165.7(a)(8)
An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with the children on a regular basis.	Penal Code section 11165.7(a)(9)
Day care providers (of a licensed child day care facility), including administrators, licensees, and employees	Penal Code section 11165.7(a)(10)
Head Start program teachers	Penal Code section 11165.7(a)(11)
Employees of a child care institution (includes foster parents, group home personnel, personnel of residential care facilities)	Penal Code section 11165.7(a)(14)
Employees of a licensed community care facility, including administrators and licensees	Penal Code section 11165.7(a)(10)
A licensing worker or licensing evaluator employed by a the State Department of Social Services overseeing licensing of Community Care Facilities and child care facilities, or any County agency doing the same.	Penal Code section 11165.7(a)(12); Penal Code section 11165.11
Firefighters	Penal Code section 11165.7(a)(20)

School police/school security employees	Penal Code section 11165.7(a)(16)
All police department employees	Penal Code section 11165.7(a)(34)
All county sheriff's department employees	Penal Code section 11165.7(a)(34)
Any other peace officer	Penal Code section 11165.7(a)(19); Penal Code section 830 et seq.
Probation/parole officers	Penal Code section 11165.7(a)(15)
All county probation department employees	Penal Code section 11165.7(a)(34)
A custodial officer who is not a peace officer employed by San Diego, Fresno, Kern, Stanislaus, Riverside, Shasta or a County with a population of less than 425,000.	Penal Code section 11165.7(a)(36); Penal Code section 831.5.
A district attorney investigator or inspector (unless working with an attorney representing a minor under Welf. & Inst. Code sec. 317)	Penal Code section 11165.7(a)(18)
Public assistance workers	Penal Code section 11165.7(a)(13)
Employees of any county welfare department	Penal Code section 11165.7(a)(34)
A local child support agency caseworker (unless working with an attorney representing a minor under Welf. & Inst. Code sec. 317)	Penal Code section 11165.7(a)(18)
People certified as a "certified family home" by a licensed foster family agency.	Penal Code section 11165.7(a)(45); Health & Safety Code section 1506
People approved as a "resource family"	Penal Code section 11165.7(a)(46); Health & Safety Code section 1517; Welf. & Inst. Code section 16519.5.
EMTs and paramedics	Penal Code section 11165.7(a)(22)
Doctors, residents, and interns	Penal Code section 11165.7(a)(21)
Dentists and dental hygienists	Penal Code section 11165.7(a)(21)
Licensed nurses	Penal Code section 11165.7(a)(21)
Public health employee (state or county) who treats a minor for any condition.	Penal Code section 11165.7(a)(26)
Chiropractors	Penal Code section 11165.7(a)(21)
Optometrists	Penal Code section 11165.7(a)(21)
Podiatrists	Penal Code section 11165.7(a)(21)
Psychiatrists and psychologists	Penal Code section 11165.7(a)(21)
Psychological assistants	Penal Code section 11165.7(a)(23); Bus. & Profs. Code section 2913
Marriage and family therapists	Penal Code section 11165.7(a)(21)
Marriage and family therapist trainees	Penal Code section 11165.7(a)(24); Bus. & Profs. sec. 4980.03(c)

Unlicensed associate marriage and family therapists	Penal Code section 11165.7(a)(25); Bus. & Profs. Code section 4980.44
Social workers and clinical social workers	Penal Code section 11165.7(a)(15); Penal Code section 11165.7(a)(21)
Professional clinical counselor	Penal Code section 11165.7(a)(21)
Clinical counselor trainees	Penal Code section 11165.7(a)(39); Bus. & Profs. Sec. 4999.12(g)
Associate professional clinical counselors	Penal Code section 11165.7(a)(40); Penal Code section 4999.42
Any other person who is currently licensed under Division 2 of the Business and Professions Code such medical or dental personnel working in California for the federal government including military or tribal health programs.	Penal Code section 11165.7(a)(21); Bus. & Profs. Code section 500 et seq.
Any other person certified pursuant to Division 2.5 of the Health and Safety Code governing statewide emergency medical services	Penal Code section 11165.7(a)(22); Health & Safety Code section 1797 et seq.
Alcohol and drug counselors who provide counseling, therapy, or other clinical services at a state licensed or certified drug, alcohol, or drug and alcohol treatment program.	Penal Code section 11165.7(a)(38)
Paid child visitation monitors who supervise court-ordered visits	Penal Code section 11165.7(a)(30)
Court Appointed Special Advocate (“CASA”) program employees <i>and</i> volunteers	Penal Code section 11165.7(a)(35); Rule 5.655 of the California Rules of Court.
An animal control officer or humane society officer	Penal Code section 11165.7(a)(31)(A)-(B); Corp. Code section 14502-14503 (qualified humane officers)
Coroners, medical examiners, others who perform autopsies	Penal Code section 11165.7(a)(27), (28).
Commercial computer technician (a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, for a fee)	Pen. Code sec. 11165.7(a)(43)(A)-(B); Pen. Code sec. 11166(e)

Who is NOT a Mandated Reporter

<u>NOT A MANDATED REPORTER</u>	<u>CANRA PROVISION</u>
Volunteer firefighters	Penal Code section 11165.7(a)(20)

Unpaid child visitation monitors	Penal Code section 11165.7(a)(30)
Child visitation monitors where visitation is NOT pursuant to a court-order	Penal Code section 11165.7(a)(30)
An administrator, board member, or employee of a public or private organization whose duties DO NOT require direct contact and supervision of children	Penal Code section 11165.7(a)(8)

How do I get more assistance? Contact FVAP at info@fvaplaw.org or (510) 858-7358 for questions.

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