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# *The California Child Abuse and Neglect Reporting Act: COVID-19, Tele-services and Mandated Reporting*

From the National Center for Youth Law, [www.teenhealthlaw.org](http://www.teenhealthlaw.org)

The California Child Abuse and Neglect Reporting Act (CANRA) defines child abuse, establishes procedures to report and investigate child abuse, and imposes an obligation to report child abuse on certain individuals, including most teachers and health care providers. “The intent and purpose of [CANRA] is to protect children from abuse and neglect.”<sup>1</sup>

This duty remains when providing online health and education services. Below is an excerpt from NCYL’s guide [“The California Child Abuse and Neglect Reporting Act: Reporting Rules for Mandated Reporters”](#) that describes when the duty to report is activated.

## **When is a Mandated Reporter Required to Submit a Report?**

### **1. When must a mandated reporter report abuse?**

“A mandated reporter shall make a report . . . 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.”<sup>2</sup>

### **2. Must the mandated reporter be physically present with a child for their mandated reporting duty to take effect?**

No. A mandated reporter must make a report when the reporter “has knowledge of or observes” a child whom the mandated reporter knows or reasonably suspects has been a victim. This does not require the mandated reporter to physically be in the same place with the child before the duty takes effect. Indeed, it does not even require direct observation. Knowledge is sufficient.

### **3. What if a mandated reporter is not sure that abuse has occurred?**

Confirmation of abuse is not required. Reporters must report whenever they have “reasonable suspicion” that abuse has occurred.

“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

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<sup>1</sup> Cal. Penal Code § 11164.

<sup>2</sup> Cal. Penal Code § 11166(a).



abuse or neglect; any ‘reasonable suspicion’ is sufficient. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.”<sup>3</sup>

#### 4. Must a reporter make a report if the reporter observes something outside of a professional setting?

A mandated reporter’s mandatory duty is only triggered when the reporter’s knowledge or observations of suspected abuse or neglect arise within the reporter’s “professional capacity or within the scope of the mandated reporter’s employment.” CANRA explicitly states that a mandated reporter whose knowledge of suspected abuse arises while outside their professional capacity or employment may make a child abuse report but is not required to by CANRA.<sup>4</sup>

#### 5. Does providing health or education services through an online or telephonic forum relieve a mandated reporter of their reporting duty?

No. A mandated reporter must make a report when the reporter “has knowledge of or observes” a child whom the mandated reporter knows or reasonably suspects has been a victim, and the mandated reporter obtains this information within the scope of their employment and in their professional capacity. This does not require the mandated reporter to physically be in the same place with the child before the duty takes effect. Indeed, it does not even require direct observation. Knowledge is sufficient.

#### 6. Must a reporter make a report if the reporter observes something outside of a work setting?

A mandated reporter’s mandatory duty is only triggered when the reporter’s knowledge or observations of suspected abuse or neglect arise within the reporter’s “professional capacity or within the scope of the mandated reporter’s employment.” However, CANRA explicitly states that a mandated reporter whose knowledge of suspected abuse arises while outside their professional capacity or employment nevertheless may make a voluntary child abuse report if that is appropriate.<sup>5</sup>

*For advice on best practice or questions about specific cases, please consult legal counsel and your administration. For more information on child abuse reporting law, including how and to whom to report, see our other resources:*

[“The California Child Abuse and Neglect Reporting Act: Reporting Rules for Mandated Reporters”](#)

[“When Sexual Intercourse is Deemed Child Abuse in California”](#)



[www.youthlaw.org](http://www.youthlaw.org) and [www.teenhealthlaw.org](http://www.teenhealthlaw.org)

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<sup>3</sup> Cal. Penal Code § 11166(a)(1).

<sup>4</sup> Cal. Penal Code § 11166(g).

<sup>5</sup> Cal. Penal Code § 11166(g).