



CLIENT NEWS BRIEF

August 2010

Number 33

NEW CHILD ABUSE REPORTING LAW CLARIFIES THAT "REASONABLE SUSPICION" OF ABUSE DOES NOT REQUIRE CERTAINTY

Assembly Bill ("AB") 2380, recently signed by the governor, amends the California Child Abuse and Neglect Reporting Act ("Act") to clarify that mandatory reporters need reasonable suspicion, not certainty, that a child is a victim of abuse or neglect in order to lawfully report suspected abuse to law enforcement or the county welfare department. This amendment takes effect on January 1, 2011.

The Act currently requires professionals who work with or supervise children, including most school district and county office of education employees, doctors, and social workers, among others, to make a report to law enforcement or the county welfare department whenever, in the scope of their employment, they learn, observe, or reasonably suspect that a child is being abused or neglected. The mandated reporter must make an initial report to law enforcement or the county welfare department as soon as is practicably possible by telephone and follow up by sending a written report within 36 hours of initially receiving information concerning the incident.

AB 2380 expands the definition of "reasonable suspicion" to clarify that it does not require certainty or a specific medical indication that child abuse or neglect has occurred. The intent of AB 2380 was to clear up confusion regarding what constitutes "reasonable suspicion" for purposes of triggering the mandatory child abuse reporting obligation. According to the author of AB 2380, under the current definition of "reasonable suspicion" questions frequently arose as to whether suspicion of abuse or neglect was sufficient to trigger the reporting obligation or whether concrete evidence was required before reporting suspected abuse to authorities.

CLIENT NEWS BRIEF

August 2010

Number 33

School districts and other public agencies should review their child abuse reporting policies and practices to ensure that employees understand that reasonable suspicion is sufficient to trigger the mandatory reporting obligation.

If you have any questions about child abuse and neglect reporting duties, please do not hesitate to contact one of our [seven offices](#) located statewide or consult our [website](#).

Written by:

[Dulcinea Grantham](#)

Shareholder and Labor & Employment Practice Group Co-Chair

Walnut Creek Office

dgrantham@lozanosmith.com

Mary Gates

Paralegal

Monterey Office

mgates@lozanosmith.com



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.