

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

OATH OF AFFIRMATION FOR CHILD CUSTODIANS REGARDING CHILD ABUSE

PURPOSE

Any person who enters into employment on or after January 1, 1985, as a child care custodian, teacher, medical or nonmedical practitioner, or with a child protective agency, prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with its provisions. (11166.5 PC)

1. SELECTED DEFINITIONS

- A. "Child care custodian" includes teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private day camp; licensed day care worker; administrators of community care facilities licensed to care for children; headstart teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to , foster parents, group home personnel, and personnel of residential care facilities; and social workers or probation officers.
B. "Child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department.
C. "Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child abuse" also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). "Child abuse" also means the neglect of a child or abuse in out-of-home care, as defined in this article.

2. SCHOOL PERSONNEL'S LEGAL RESPONSIBILITY

- A. Reporting child abuse - Section 11166 of the Penal Code requires any child care custodian, teacher, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment who he or she knows or reasonably suspects has been the victim of a child abuse to report the known or suspected instance of child abuse to a child protective agency, police or sheriff's department, a county probation department, or a county welfare department, immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.
B. Failure to Report - Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by law, is guilty of a misdemeanor which is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars (\$1,000) or by both.

3. SCHOOL PERSONNEL'S PROTECTION UNDER LAW

- A. Immunity from Civil and Criminal Liability - Any child care custodian, teacher, medical practitioner, nonmedical practitioner, or employee of a child protective agency, who pursuant to a request from a child protective agency, provides the requesting agency with access to the victim of a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of providing that access.
B. Legal Fees - The Legislature finds that even though it has provided immunity from liability to persons required to report child abuse, that immunity does not eliminate the possibility that actions may be brought against those persons based upon required reports of child abuse. A child care custodian, medical practitioner, nonmedical practitioner, or an employee of a child protective agency may present a claim to the State Board of Control for reasonable attorneys' fees incurred in any action against that person on the basis of making a report required or authorized by this article. (cf 11172 Penal Code)

I have read and understand the intent and incumbent responsibilities of Section 11166 of the Penal Code. Further, I understand that it is my responsibility as a "child care custodian" to keep apprised of these provisions. In addition, I promise to comply with current child abuse laws and local Board policies.

Name of Employee

Signature of Employee

Signature of Authorized Official

Subscribed before me this date: PACIFIC GROVE UNIFIED SCHOOL DISTRICT