

**Area:** Pregnant Women

**Subject:** PW01 - Pregnant Minor Sexual Abuse Reporting Procedure

**Reference:** Penal Code Sections 11166(a), 11164, Education Code Section 49602(c)

**Policy:** Per Stanislaus County Office of Education Legal Council, mandated reporters will abide by the following procedure in the case of reporting sexual abuse of a pregnant minor enrolled into the programs.

**Procedure:**

- 1) The pregnancy of a minor does not, in and of itself, trigger the reporting laws. (Penal Code section 11166(a).)
- 2) As a result, in light of a minor's right of sexual privacy, neither the EHS/MEHS program nor the school should disclose confidential information concerning a student's sexual activity unless there is reasonable suspicion that the student is a victim of "child abuse" or "sexual abuse" as defined by Penal Code sections 11164, et. seq., or when disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student. (Education Code section 49602(c).)
- 3) Under the law, "sexual abuse" includes "sexual assault or sexual exploitation."
  - a. "Sexual assault" includes "statutory rape" under Penal Code section 261.5(d) which is the act of sexual intercourse between any person 21 years of age or older with a minor who is under 16 years of age.
    - i. When the program or school is aware that a teen who is under 16 has been impregnated by a man who is 21 or older, there will be an obligation to report the matter. Notify your immediate supervisor of the situation.
    - ii. Refer to Procedure HR03 – Identification, Reporting of Child Abuse and Neglect to report suspected abuse.

**Supervised by:** Coordinators

**Performed by:** All Head Start Mandated Reporters

**Forms needed:** Suspected Child Abuse Reporting Form

**Frequency:** As needed to comply with state laws