

## Reporting of Suspected Child Abuse

### 422.1 PURPOSE:

The reporting of known or suspected child abuse, as outlined in California Law and this procedure, is the legal and departmental responsibility of all department employees and all those working or acting under the authority of the department.

### 422.2 DEFINITIONS:

Child Abuse: An injury inflicted by other than accidental means on a child by another person. It also includes physical, emotional, and sexual abuse, as well as neglect. Child abuse does not include "mutual combat between minors", "reasonable and necessary force used by a peace officer" under specified circumstances, or spanking that is reasonable and age appropriate and does not expose the child to risk of serious injury.

Neglect: The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

Mandated Reporters: Any employee of any police department, sheriff's department, probation department, welfare department, firefighter, physician, dentist, teacher, licensed nurse, social worker, or other profession as indicated in the California Penal Code.

Failure by a mandated reporter to report known or suspected abuse is a misdemeanor and is punishable by a term in county jail not to exceed six months or by a fine not to exceed \$1,000 or by both fine and imprisonment.

Penal Code Section 11172 (a) provides mandated reporters with immunity from criminal and civil liability for reporting as required. In the event a civil action is brought against a mandated reporter, the State Board of Control is legally authorized to reimburse the reporter for attorney's fees up to a maximum of \$50,000. Any other person who reports a known or suspected case of child abuse is also protected from civil and criminal liability unless it can be proven the person deliberately made a false report.

Reasonable Suspicion: 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 his or her training and experience, to suspect child abuse or neglect.

Objectively Reasonable: Learned from an examination of the facts presented to be evaluated (i.e. observable marks, scratches or bruises) as opposed to accepting subjective statements which are learned only from information reported. The difference in time between occurrence of abuse and the reporting of abuse must be considered in evaluating the observable facts and their relevancy to alleged child abuse. Occurrences of child abuse will be evident if abuse was recent; in other cases, there may be no observable indications of abuse.

Reasonable Force: The minimum level of force necessary to control a particular situation.

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**Peace Officers:** Empowered with the authority to use reasonable force necessary to effect an arrest, prevent escape from custody, or overcome resistance.

**Joint Knowledge:** When two or more persons who are required to report have joint knowledge of a known or suspected instance of child abuse or neglect, and there is agreement among them, the telephone report may be made by the selected team member. A single written report may then be made and signed by the reporting person. Where there is a failure by the designated person to make the report, any person who knew shall be responsible for making the child abuse report.

**Peace Officer Child Abuse/Neglect:** When a Peace Officer used more force than reasonably necessary to control a particular situation. Penal Code Section 11165.4 specifies there is no unlawful corporal punishment or injury by a Peace Officer if the amount of force used is reasonable and necessary for a Peace Officer to quell a disturbance threatening physical injury to a person or damage to a property; to prevent physical injury to a person or damage to a property; for purposes of self defense; to obtain possession of weapons or dangerous objects or to apprehend an escapee.

**Unfounded:** A child abuse report which is determined by a Children and Family Services Department investigator to be false, inherently improbable, accidental or not to constitute child abuse.

#### **422.3 GUIDELINES:**

- A. All child abuse reporting information, documents, and copies shall be treated as confidential between the reporting party and the recipient with the exception of Administrative Services Bureau employees who are conducting an evaluation of the reporting process or investigating allegations of child abuse by an employee or person working or acting under the authority of the department.

#### **422.4 RESPONSIBILITIES:**

- I. **Mandated Reporters:**
  - A. If, in the course of their duties, an employee of the Probation Department becomes aware of, or suspects child abuse, neglect or sexual molestation has occurred, they shall report that information to the local child protective agency as soon as possible but no later than 24 hours by telephone and complete a written report within 36 hours using the Suspected Child Abuse Report (Attachment A).
  - B. The written report shall be distributed as follows:
    - 1. The child protective agency nearest your location (white and green copies, which they distribute to the local law enforcement agency having jurisdiction over the case and the District Attorney's office).
    - 2. Probation Administration, Professional Standards Unit, which is a central receiving location for all departmental reports (blue copy).
    - 3. Theyouth's file or Universal Health Record (UHR) (yellow copy).

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- C. Shall use a sealed envelope marked "confidential" in the distribution of copies of the report.
  - D. Shall document the completion of the report in Caseload Explorer (CE) events and ensure, based on the circumstances of the offense, that the youth is protected.
  - E. If there is reason to believe the suspected abuse was caused by an employee or other person working or acting under the authority of the department, the appropriate Division Director and/or Deputy Chief Probation Officer shall be notified at the earliest time possible by telephone and e-mail.
- II. Division Director/Manager:
- A. Shall ensure that employees and anyone working or acting under the authority of the probation department assigned to their division receive training regarding the requirements of a mandated reporter.
  - B. Shall contact the Deputy Chief Probation Officer for arrangements to initiate appropriate action when an allegation involving an employee or anyone working or acting under the authority of the department is made.
- III. Professional Standards Unit:
- A. Shall verify upon receipt of the report copy to Professional Standards that the suspect of a suspected child abuse report is not a past or current department employee or associate.
  - B. When a suspect is determined to be an employee or associate of the department, the Division Director shall determine whether local law enforcement is to be contacted and a criminal investigation initiated. Copies of all relevant reports and information obtained extraneous to an Administrative Hearing shall be turned over to the investigating law enforcement agency if a criminal investigation is initiated.
  - C. If the Probation Department conducts a child abuse report investigation instead of Children & Family Services, the Department shall forward a report to the Department of Justice as described in Penal Code Section 11169.
  - D. The Chief Probation Officer shall determine if administrative leave is appropriate when an allegation is made concerning an employee or a person working or acting under the authority of the department, and provide a written directive to that person prohibiting contact with any alleged victims during the course of any investigation and any subsequent court proceeding. A temporary reassignment may be necessary to ensure no contact with any alleged victim.

#### **422.5 ATTACHMENTS:**

See attachment: [Reporting of Suspected Child Abuse Attachment A \(Lexipol 10-7-11\).pdf](#)

## **Attachments**

## **Reporting of Suspected Child Abuse Attachment A (Lexipol 10-7-11).pdf**

# SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**

Pursuant to Penal Code Section 11166

PLEASE PRINT OR TYPE

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY					
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS		Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO				
	REPORTER'S TELEPHONE (DAYTIME) ( )		SIGNATURE			TODAY'S DATE				
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION <input type="checkbox"/> COUNTY WELFARE/CPS (Child Protective Services)		AGENCY							
	ADDRESS		Street	City	Zip	DATE/TIME OF PHONE CALL				
<b>C. VICTIM</b> One report per victim	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS				Street	City	Zip	TELEPHONE ( )		
	PRESENT LOCATION OF VICTIM				SCHOOL	CLASS	GRADE			
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME				
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT - OF - HOME CARE AT THE TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)				
	RELATIONSHIP TO SUSPECT				PHOTO'S TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
<b>D. INVOLVED PARTIES</b>	<b>VICTIM'S SIBLINGS</b>									
	NAME		BIRTHDATE	SEX	ETHNICITY	NAME		BIRTHDATE	SEX	ETHNICITY
	1. _____				3. _____					
	2. _____				4. _____					
	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS				Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )	
	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS				Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )	
	SUSPECT'S NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS				Street	City	Zip	TELEPHONE ( )		
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____									
	DATE / TIME OF INCIDENT				PLACE OF INCIDENT					
	NARRATIVE DESCRIPTION (What victim(s) said / what the mandated reporter observed / what person accompanying the victim(s) said / similar or past incidents involving the victim(s) or suspect)									

SS 8572 (REV.12/02)

## DEFINITIONS AND INSTRUCTIONS ON REVERSE

**DO NOT** submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

**WHITE COPY** - Police or Sheriff's Department; **BLUE COPY** - County Welfare or Probation Department; **GREEN COPY** - District Attorney's Office; **YELLOW COPY** - Reporting Party