

Glenn County Human Resource Agency

200 Child and Adult Abuse Reporting

200.1 OBLIGATION TO REPORT

The vision of the HRA is “Individuals, Families and Communities: Successful, Safe and Strong”. In support of this vision, it is the policy of this agency to comply with and fully support Section 11166 of the Penal Code and Section 15630 of the Welfare and Institutions Code, obligation to report child and adult abuse.

200.2 CHILD ABUSE AND NEGLECT

In accordance with Section 11166 of the Penal Code, agency representatives are mandated reporters and required to report known or suspected child abuse and neglect to Child Protective Services, a police department, or sheriff’s department. Whenever an agency representative has knowledge of or reasonably suspects a child has been the victim of abuse or neglect, he/she shall immediately or as soon as is practicably possible file a report. This may be done initially by telephone, but a written report will be sent within 36 hours. Failure to report as required by Section 11166(b) is a misdemeanor and punishable under the law.

HANDBOOK LANGUAGE BEGINS

Reports of suspected child abuse or neglect shall include the name, business address, and telephone number of the agency representative, and the capacity that makes them a mandated reporter. It shall also contain, if known, the child’s name and address, present location, and, where applicable, school, grade, and class; the names, addresses, and telephone numbers of the child’s parents or guardians; the information that gave rise to the suspicion of child abuse/neglect and the source(s) of that information; and the name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child. A report shall be made even if some of this information is not known.

HANDBOOK LANGUAGE ENDS

200.3 ELDER/DEPENDENT ADULT ABUSE AND NEGLECT

In accordance with Section 15630 of the Welfare and Institutions Code, agency representatives are mandated reporters and required to report known or suspected elder/dependent adult physical abuse, abandonment, isolation, financial abuse, or neglect to Adult Protective Services, a police department, or sheriff’s department. Whenever an agency representative has knowledge of or reasonably suspects an elder/dependent adult has been the victim of abuse or neglect, he/she shall immediately or as soon as is practicably possible file a report. This may be done initially by telephone, but a written report will be sent within two (2) working days. Failure to report as required by Section 15630(h) is a misdemeanor and punishable under the law.

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Handbook Language Begins

Reports of suspected elder/dependent adult abuse or neglect shall include, the name of the person making the report, the name and age of the elder or dependent adult, the present location of the elder/dependent adult, the names and addresses of family members or any other person responsible for the elder or dependent adult's care, if known, the nature and extent of the elder or dependent adult's condition, the date of the incident, and any other information, including information that led the agency representative to suspect elder or dependent adult abuse, requested by the agency receiving the report. A report shall be made even if some of this information is not known.

Handbook Language Ends

200.4 REPORTING DUTIES

The reporting duties under Sections 11166 and 15630 are individual. Except when two or more agency representatives jointly have knowledge of or suspect child abuse/ neglect has occurred, they may mutually agree among them, to file a single report signed by one representative. If one of the other agency representatives knows that the designated representative failed to file the report, he/she shall file the report.

Handbook Language Begins

Supervisors and managers of the agency shall not interfere with or in any way try to discourage an agency representative from filing a report as a mandated reporter.

Handbook Language Ends

200.4 Confidentiality and Liability

The identity of all agency representatives who report child, elder, or dependent abuse/neglect shall be confidential and disclosed only among agencies receiving or investigating the report. Any violation of confidentiality is a misdemeanor and punishable under the law.

Per Section 11172(a) of the Penal Code and Section 15634 of the Welfare & Institutions Code, mandated reporters shall not be civilly or criminally liable for any report required or authorized under Section 11166 and Section 11560 unless it can be proven that the person knowingly made a false report with reckless disregard of the truth or falsity of the report.

Violation of this policy may result in disciplinary action including termination. Furthermore, it is also a misdemeanor and may result in a criminal prosecution under Section 11166(b) of the Penal Code.

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Appendix A

11165.7(a) As used in this article, "mandated reporter" is defined as any of the following:

- 1) A teacher.
- 2) An instructional aide.
- 3) A teacher's aide or teacher's assistant employed by any public or private school.
- 4) A classified employee of any public school.
- 5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
- 6) An administrator of a public or private day camp.
- 7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- 8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- 9) Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
- 10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- 11) A head start teacher.
- 12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- 13) A public assistance worker.
- 14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- 15) A social worker, probation officer, or parole officer.
- 16) An employee of a school district police or security department.
- 17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
- 18) A district attorney investigator, inspector, or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- 19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- 20) A firefighter, except for volunteer firefighters.
- 21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- 22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- 23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- 24) A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- 25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.
- 26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- 27) A coroner.
- 28) A medical examiner, or any other person who performs autopsies.

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- 29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.
- 30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.
- 31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
 - a) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
 - b) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.
- 32) A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
- 33) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.
- 34) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.
 - a) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.
 - b) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of that training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.
 - c) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.
 - d) The absence of training shall not excuse a mandated reporter from the duties imposed by this article.

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Attachment B

11166 (a) Except as provided in subdivision (c), a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her 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. The mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone, and the mandated reporter shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

(1) For the purposes of this article, "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 his or her training and experience, to suspect child abuse or neglect. 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.

(2) The agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that fine and punishment.

(c) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(d) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practically possible, by telephone, and shall prepare and send a written report of it with a copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(2) Penetration of the vagina or rectum by any object.

(3) Masturbation for the purpose of sexual stimulation of the viewer.

(4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.

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(e) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.

(f) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(g) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(h) A county probation or welfare department shall immediately, or as soon as practically possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(i) A law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

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I have read and thoroughly understand the HRA Child and Adult Abuse Reporting Policy and agree to abide by this policy.

I acknowledge my obligation to report suspected cases of child abuse and abuse or exploitation of elder or dependent adults.

I also understand that a violation of Penal Code Section 11166 or Welfare & Institutions Code Section 15630 is a misdemeanor and may result in a criminal prosecution under the respective sections. A violation of this policy is also cause for disciplinary action up to and including termination from employment/service with the Glenn County Human Resource Agency.

Signature

Date

Print Name