



GENERAL ORDER

Mandatory Reporting of Child Abuse

Purpose and Scope

This order identifies employees responsible for mandatory reporting of suspected child abuse and provides guidelines and procedures for reporting said abuse.

Affected Personnel

All employees

Effective Date

October 31, 2017

I. Definitions

Child: A person under the age of 18 years.

Child abuse: Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act involving a child that would mandate notification to a social service agency or law enforcement.

Commercial sexual exploitation: Refers to either of the following: the sexual trafficking of a child as described in Penal Code Section 236.1(c) or the provision of food, shelter, or payment to a child in exchange for the performance of any sexual act as described in Child Abuse and Neglect Reporting Act (CANRA) or Penal Code Section 236.1.

Mandated Reporter: Mandated reporters are individuals who are mandated by law to report known or suspected child maltreatment. They are primarily people who have contact with children through their employment. Mandated reporters are required by the State of California to report any known or suspected instances of child abuse or neglect to the county child welfare department or to a local law enforcement agency (local police/sheriff's department).¹

II. Application

Pursuant to Penal Code Section 11165.7(a)(15 & 34), probation officers and employees of any probation department are classified as "mandated reporters" with a duty to report any known or suspected child abuse or neglect.

¹ Penal Code § 11165.9.

III. Types of Abuse to Report³

- A. When the victim is a child and the perpetrator is any person (including a child); the following types of abuse as defined by statute must be reported by all mandated reporters:
 - 1. Child sexual abuse, including sexual assault, sexual exploitation, and commercial sexual exploitation.
 - 2. Neglect of a child, if the perpetrator is a person responsible for the child's welfare and only under circumstances indicating there is harm or threatened harm to the child's health or welfare caused by negligent or intentional conduct.
 - 3. Willful cruelty or unjustified punishment, which includes inflicting or permitting unjustifiable physical pain or mental suffering, or the endangerment of the child's person or health.
 - 4. Unlawful corporal punishment or injury, willfully inflicted, resulting in a traumatic condition.
- B. Allegations of any type of abuse referenced in Section IIIA that are sustained after an internal investigation by the Department shall be referred to Child Protective Services (CPS).
- C. The following do not constitute "child abuse or neglect":
 - 1. Mutual combat between residents.
 - 2. Injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

IV. Notification Procedure

- A. A mandated reporter shall make a report to CPS 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.⁴
- B. The mandated reporter shall make an initial report by telephone to CPS immediately or as soon as is practicable, and shall prepare and send, fax, or electronically transmit a written report within 36 hours of receiving the information concerning the incident.
 - 1. A mandated reporter shall make a verbal report to the Sacramento County 24-Hour Child Abuse Hotline **(916) 875-5437 (875-KIDS)**

³ Penal Code § 11165.6.

⁴ Penal Code § 11166, et. seq.

and is required to complete the attached *Suspected Child Abuse Form* within 36 hours.

- C. 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.
- D. 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 CPS.

V. Children in Out of Home Placement

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes), notification shall also be made to the California Department of Social Services or other applicable licensing authority.

VI. Reporting Sexual Exploitation⁵

- A. The Department shall, within 24 hours, report to the jurisdictional law enforcement agency after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation.
- B. When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of commercial sexual exploitation, is missing or has been abducted, the Department shall immediately, or within 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

VI. Penalties for Failure to Report Abuse

- A. A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by confinement in the county jail or by a fine of one thousand dollars (\$1,000), or by both imprisonment and fine.⁶
 - 1. If a mandated reporter intentionally conceals his or her failure to report an incident of child abuse or severe neglect, the failure to report is a continuing offense until a law enforcement agency discovers the offense.

⁵ Penal Code § 11166(j), et. seq.

⁶ Penal Code § 11166(c), et. seq.

- B. Any mandated reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, where that abuse or neglect results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both fine and imprisonment.⁷

VIII. Immunity for Reporting Child Abuse

No mandated reporter shall be civilly or criminally liable for any report required or authorized by CANRA, and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his or her professional capacity or outside the scope of his/her employment.⁸

IX. Statement of Knowledge of Duty to Report

On and after January 1, 1985, each mandated reporter, prior to commencing his/her employment, shall sign a statement on a form provided to him/her by his/her employer to the effect that he/she has knowledge of his/her reporting obligations as a mandated reporter and will comply with the provision contained in CANRA.⁹

References

Penal Code
Child Abuse and Neglect Reporting Act

Attachments

Child Abuse Reporting Duties - Acknowledgement Form
Suspected Child Abuse Reporting Form

Amends/Replaces Previous Order

Mandatory Reporting of Child Abuse Cases
Youth Detention Facility Mandatory Reporting of Child Abuse Cases

Authorized By Lee Seale **Date** 7/14/17
Lee Seale, Chief Probation Officer

⁷ Penal Code § 11166.01(b)

⁸ Penal Code § 11172(a)

⁹ Penal Code § 11166.5(a)