

Mandatory Reporting

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for notification to the appropriate social services entities and local law enforcement in the case of encountered, reported, or suspected abuse.

This policy also addresses documentation specific to the discovery of abuse.

309.2 POLICY

It is the policy of the Sonoma County Probation Department to ensure documentation and notification to the proper entity, as may be required by law, in the case of encountered, reported, or suspected abuse.

309.3 CHILD ABUSE

309.3.1 NOTIFICATION

Members of this department who are mandated reporters of child abuse pursuant to Penal Code § 11165.7 shall promptly notify law enforcement and/or the County Welfare Office when the member has knowledge of or observes a child who the member knows or reasonably suspects has been the victim of child abuse or neglect (Penal Code § 11165.9; Penal Code § 11166).

When the Sonoma County Probation Department receives a report of abuse or neglect, notification shall promptly be made to the law enforcement agency having jurisdiction and the County Welfare Office.

The District Attorney's office shall also promptly be notified in all instances of known or suspected child abuse or neglect reported to the Sonoma County Probation Department, except the following (Penal Code § 11166; Penal Code § 11165.2; Penal Code § 11165.13).

- (a) A report of general neglect by a person who has the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, and where there is no physical injury to the child.
- (b) A report of a positive toxicology screen at the time of the delivery of an infant, unless there is an indication of maternal substance abuse.

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, day care, etc.), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code § 11166.1; Penal Code § 11166.2).

For purposes of notification, abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); willful harm or injury to a child or endangering the person or

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health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of their employment as a peace officer.

309.3.2 NOTIFICATION PROCEDURE

Notification shall occur as follows (Penal Code § 11166):

- (a) When the member is making an initial notification:
 - 1. Notification shall be made immediately to the law enforcement body that has jurisdiction over the matter or the County Welfare Department ("the Agency"), as soon as practicable, by telephone.
 - 2. A written follow-up Suspected Child Abuse Report shall be forwarded to the Agency that received the report by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
- (b) When the Sonoma County Probation Department is making the notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission to the Agency.
 - 2. A Suspected Child Abuse Report shall be forwarded to the Agency by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
 - 3. For cases involving the commercial sexual exploitation of a child who is receiving child welfare services, notification shall be made within 24 hours to a law enforcement agency that has jurisdiction over a case.
 - 4. For cases involving a child who is receiving child welfare services who is reasonably believed to be the victim of commercial sexual exploitation and is missing or has been abducted, notification shall be made to the appropriate law enforcement authority within 24 hours for entry into NCIC and to the National Center for Missing and Exploited Children (NCMEC).

Initial notification to law enforcement agencies shall include, at a minimum, the following, when reasonably possible:

- (a) Photo of the missing or abducted child
- (b) Description of the child's physical features (e.g., height, weight, sex, ethnicity, race, hair/eye color)
- (c) Endangerment information (e.g., pregnancy status, prescription medications, suicide risk, sex trafficking vulnerability, other health/risk factors)
- (d) Information about whether the child is or may be an Indian child (as defined in Welfare and Institutions Code § 224.1), including the name of the child's tribe

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309.3.3 EMERGENCY REMOVAL

An officer may take temporary custody of a minor without a warrant only when the officer objectively reasonably believes that the minor (is a person described in Welfare and Institutions Code § 300 and::

- (a) Is in immediate need of medical care.
- (b) Is in immediate danger of physical or sexual abuse.
- (c) Is in a physical environment that poses an immediate threat to the minor's health or safety.
- (d) Is left unattended, posing an immediate threat to the minor's health or safety.
 - 1. Officers shall first attempt to contact the parent or guardian to take custody of the unattended child.
 - 2. If contact with the parent or guardian of the unattended minor cannot be made, the County Welfare Department shall be contacted to assume custody of the minor.
- (e) Is in the hospital and release to the parent poses an immediate threat to the minor's health or safety.
- (f) Is a dependent of the juvenile court or for whom an order under Section 319 has been issued and the officer reasonably believes that the juvenile has violated an order of the court or
- (g) Has left any placement ordered by the juvenile court.
- (h) Requires medical or other care after having been found suffering from injury or sickness in a public place (Welfare and Institutions Code § 305).

309.4 ELDER AND ADULT DEPENDENT ABUSE

309.4.1 NOTIFICATION

Members of this department who are mandated reporters of elder or dependent adult abuse pursuant to Welfare and Institutions Code § 15630 shall promptly notify the county adult protective services agency of known, suspected, or alleged instances of abuse when the member reasonably suspects, has observed, or has knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the individual has experienced abuse.

For purposes of notification, a dependent adult is an individual between 18 and 64 years of age who has physical or mental limitations that restrict the ability to carry out normal activities or to protect the individual's rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23). An elder adult is an individual residing in this state who is age 65 or older (Welfare and Institutions Code § 15610.27).

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For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse, or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

Because additional notifications may also be required, depending on where the alleged abuse occurred, the supervisor is responsible for ensuring that proper notifications are made to the District Attorney's Office and any other regulatory agency that may be applicable (e.g., care facility, hospital) (Welfare and Institutions Code § 15630).

309.4.2 NOTIFICATION PROCEDURE

Notification should occur as follows (Welfare and Institutions Code § 15630):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
- (b) A Report of Suspected Dependent Adult/Elder Abuse shall be forwarded within two working days.

309.5 DOCUMENTATION

In all encountered, reported, or suspected cases of abuse, officers shall, after making the notifications above, document the notification and the circumstances surrounding discovery of the abuse.

309.6 CONFIDENTIALITY OF REPORTS

Information related to incidents of abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 11167.5; Welfare and Institutions Code § 15633).