SUSPECTED CHILD ABUSE REPORTING

PURPOSE

To provide guidelines for the identification of suspected child abuse and the procedure for reporting such suspicions by prehospital care personnel.

AUTHORITY

California Penal Code, Chapter 916 (Part 4, Title 1, Chapter 2, Article 2.5), Sections 11164 - 11174.3.

DEFINITIONS

Agencies authorized to accept mandated reports: Police Department, Sheriff's Department, Child Protective Services (CPS). School District Police and security departments are not included.

Child: Any person under the age of eighteen (18).

Mandated reporter: Includes, but not limited to: paid firefighters, EMRs, EMTs, AEMTs, paramedics, teachers, peace officers, any healthcare practitioner, clergy member, child care custodian, or an employee of a child protective agency.

Neglect: The negligent failure of a parent or caretaker to provide adequate food, clothing, shelter, medical/dental care, or supervision.

Physical abuse: A physical injury, including death, to a child that appears to have been inflicted by other than accidental means.

Sexual abuse: Sexual assault on, or the exploitation of a minor. Sexual assault includes: rape, rape in concert (aiding or abetting or acting in concert with another person in the commission of a rape), incest, sodomy, oral copulation, penetration of genital or anal opening by a foreign object, and child molestation. It also includes lewd or lascivious conduct with a child under the age of fourteen years, which may apply to any lewd touching if done with the intent of arousing or gratifying the sexual desires of either the person involved or the child. Sexual exploitation refers to conduct or activities related to pornography depicting minors, and promoting prostitution by minors.

PRINCIPLES

A. The purpose of reporting suspected child abuse/neglect is to protect the child, prevent further abuse of the child and other children in the home, and begin treatment of the entire family. The infliction of injury, rather than the degree of that injury, is the determinant for intervention by CPS and law enforcement.

B. California Penal Code, Sections 11166 and 11168, requires that mandated reporters promptly report all suspected non-accidental injuries, sexual abuse, or neglect of children to local law enforcement and/or to CPS.

C. It is the job of law enforcement, CPS and the courts to determine whether child abuse/neglect has, in fact, occurred. It is not necessary for the mandated reporter to determine child abuse, but only to suspect that it may have occurred. Children under the age of five, especially less than six months, are at highest risk.

D. Under current law, all healthcare professionals are mandated to report suspected child abuse/neglect that they have knowledge of or observe in their professional capacity. They are required to sign a statement, for their employer, acknowledging their understanding of this requirement. Any person who fails to report as required may be punished by six months in jail and/or a $1,000 fine.

E. When a mandated reporter has knowledge of or has observed child abuse or neglect, that individual is required to report to the local law enforcement and/or to the CPS immediately or as soon as practically possible by telephone and shall complete the suspected child abuse report form within 36 hours. When a mandated reporter is not performing their job duties, they become discretionary reporters and are not required by law to report.

F. When two or more mandated reporters are present at scene and jointly have knowledge of a known or suspected instance of child abuse/neglect, the telephone report can be made by a selected member and a single written report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the designated reporter failed to uphold their agreement, shall thereafter make the report. If EMS personnel are not selected as the designated reporter, they shall document the name and agency of the appointed team member in their prehospital documentation to indicate that the reporting obligation has been met.

G. Those persons legally required to report suspected child abuse have immunity from criminal or civil liability for reporting as required.

POLICY

A. The primary purpose of the Department of Justice (DOJ) Suspected Child Abuse Report form SS 8572 (Reference No. 830-A) is to make all agencies aware of possible abuse/neglect. This will lead to a thorough investigation, and protection of the child. In order to facilitate this process, it is recommended that a prompt verbal report be made to both the local county Child Protective Services (CPS) and local law enforcement. However, if the child is in imminent danger, local law enforcement should be notified immediately.

B. To make a verbal report to CPS, call the local county CPS office (included in this policy). This should be done as soon as possible. Prehospital care providers should be aware of their local law enforcement reporting procedures and telephone numbers for notification.

C. The suspected child abuse/neglect report is to be completed according to the instructions on the back of the form (Reference No. 830-A). The report shall be filled out as completely and clearly as possible using lay terminology. The completed form shall be sent to the local county CPS and local law enforcement within 36 hours. A copy of the report should be retained by the reporting party. An electronic version of the form and instructions can also be obtained at:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf
http://www.ag.ca.gov/childabuse/pdf/8572_instruct.pdf

D. The following information shall be included in the prehospital documentation:

1. The name of the CPS social worker and/or name, department and badge number of the law enforcement officer.

2. Time of notification.

3. Disposition of child if not transported.

CHILD ABUSE REPORTING	
YOLO COUNTY	
24 HOUR TELEPHONE CONTACT NUMBER:	(530) 669-2345 or (888) 400-0022
MAIL REPORTS TO:	Department of Employment & Social Services 25 N. Cottonwood Street Woodland, CA 95695