KERN COUNTY HUMAN SERVICES

CHILD ABUSE REPORTING

A GUIDE TO MANDATED REPORTING RESPONSIBILITIES

Definitions of Child Maltreatment • How to File a Report
Frequently Asked Questions • Behavioral & Physical Indicators of Abuse
What Happens After a Report is Made

A GUIDE TO MANDATED REPORTING

KERN COUNTY DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE SERVICES

CHILD PROTECTIVE SERVICES

100 EAST CALIFORNIA AVE.
PO BOX 511
BAKERSFIELD, CA 93302

CPS HOTLINE:
(661) 631-6011

CALL FIRST AND THEN **EMAIL** :

KERNCPSHOTLINE@KERNDHS.COM

8:00 AM TO 5:00 PM
MON-FRI ONLY

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Bureau: Staff Development

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CHILD ABUSE AND NEGLECT REPORTING ACT

The Child Abuse and Neglect Reporting Act was created to protect children from abuse and neglect by designating certain community members as mandated reporters. Mandated reporters are required by law to inform the proper authorities (Child Welfare Services - formerly CPS - or Law Enforcement) when abuse or neglect of a child is suspected.

Being a mandated reporter means that you play a very serious and important role in the lives of all of the children that you work with. You are their lifeline to help and safety if they find themselves in a dangerous situation. Many of these children will be afraid to come forward because they have been threatened by their abuser(s) to keep silent, and so it is your job to take notice of the warning signs of child abuse and to report anything that you suspect.

It is incredibly important to know if you are a mandated reporter and what your responsibilities are, for both the welfare of the child and for yourself. You can be held responsible for NOT reporting suspected child abuse. This pamphlet will detail who is a mandated reporter, what reporting responsibilities are, the consequences of these reports, and some of the signals of child abuse.

MANDATED REPORTER'S RESPONSIBILITY

Penal Code 11166 states that "a mandated reporter shall make a report 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. The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident"

Reasonable Suspicion

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 and neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient." (PC 11166 (a) (1))

This means that if through your training of identifying child abuse indicators you think that it is possible that a child is being abused, you should make a report. As a mandated reporter, you can be penalized for not making a report, but you will not be held accountable for any reports that are made in good faith and turn out to be untrue.

Who is a Mandated Reporter?

A teacher, instructional aide, teacher's aide or assistant, an employee of any school, a classified employee of a public school, a school volunteer, an administrative officer or supervisor of child welfare, an administrator of a public or private day camp, youth center, youth recreation program or organization, a licensee, administrator or employee of a child day care facility, an employee of a county office of education or the State Department of Education whose duties bring the employee in contact with children on a regular basic, a licensee, a headstart teacher, a licensing worker or licensing evaluator employed by a licensing agency, public assistance worker, foster parents, group home personnel, social worker, probation officer, parole officer, school district police or security department, an administrator, presenter, or counselor in a child abuse prevention program, a district attorney investigator, inspector, or local child support agency caseworker, a peace officer, firefighter, health professionals (physician, surgeon, psychiatrist, psychologist or assistant, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family and child counselor or trainee, paramedic, state or county public health employee that treats a child, coroner or medical examiner), child visitation monitor, an animal control or human society officer, a clergy member (Priest, Minister, Rabbi, Religious Practitioner, or similar functionary of a church,

temple or recognized religious denomination or organization), any employee of any police, sheriff's, probation, or welfare department, a commercial film and photographic print processor (any person who develops exposed photographic film into negatives, slides or prints), a CASA employee or volunteer, an alcohol and drug counselor, a clinical counselor trainee, an employee or administrator of a public or private postsecondary educational institution, an athletic coach, athletic administrator, or athletic director, a commercial computer technician, any athletic coach, including assistant coach, or a graduate assistant involved in coaching, at a public or private post secondary educational institutions, an individual certified as a foster family agency home, or resource family, a talent agent, talent manager, and talent coach. (PC11165.7)

Volunteers of public organizations whose duties require direct contact and supervision of children are **encouraged** to obtain training in the identification and reporting of child abuse, but are **not** mandated reporters.

Employer/Agency/State Requirements (Penal Codes Section 11166.5) Any person entering employment, which makes him/her a mandated reporter, must sign a statement, provided and retained by the employer, to the effect that the employee has knowledge of the reporting law and will comply with its provisions. Further, any person issued a license or certificate to engage in a profession or occupation where reporting child abuse/neglect is required shall be notified of their mandated reporting responsibilities.

WHAT IS CHILD ABUSE?

Federal legislation provides a foundation for States by identifying a minimum set of acts or behaviors that define child abuse and neglect. The Federal Child Abuse Prevention and Treatment Act (CAPTA), (42 U.S.C.A. §5106g), as amended by the Keeping Children and Families Safe Act of 2003, defines child abuse and neglect as, at minimum:

- Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or
- An act or failure to act which presents an imminent risk of serious harm.

'Child abuse or neglect' includes physical injury, sexual abuse, neglect, willful cruelty or unjustifiable punishment, unlawful corporal punishment or injury.

WHAT DO YOU HAVE TO REPORT?

Under the law, when the victim is a child (a person under the age 18) and the perpetrator is any person (including a child), the following types of abuse must be reported by all legally mandated reporters:

CALIFORNIA PENAL CODE § 11165: DEFINITIONS

'Physical injury' is bodily injury inflicted by other than accidental means on a child by another person.

'Willful cruelty or unjustifiable punishment of a child' means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

"Unlawful corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.

'Sexual abuse' means sexual assault or sexual exploitation as defined by the following:

'Sexual assault' includes rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, or child molestation. Conduct described as 'sexual assault' includes, but is not limited to, all of the following:

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.
- The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose;
- The intentional masturbation of the perpetrator's genitals in the presence of a child.
- Unlawful sexual intercourse includes situations where there is sexual intercourse between an adult and a minor. For age and circumstances see Penal Code Section 261-269.

'Sexual exploitation' refers to any of the following:

- Conduct involving matter depicting a minor engaged in obscene acts in violation of law; preparing, selling, or distributing obscene matter that depicts minors; employment of minor to perform obscene acts.
- Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who
- knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct.
- Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons. Penal Code §165.2 (West 1992)

'Commercial sexual exploitation' refers to either of the following:

(1) The sexual trafficking of a child; the provision of food, shelter, or payment to a child in exchange for the performance of any sexual act.

'Neglect' means the negligent treatment or the 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.

'Severe neglect' means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. 'Severe neglect' also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

'General neglect' means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred. Cal. Penal Code § 11165.3

Emotional abuse includes acts or omissions by the parents or other persons responsible for the child's care that have caused, or could cause, serious behavioral, cognitive, emotional, or mental disorders. In some cases of emotional/psychological abuse, the parental acts alone, without any harm evident in the child's behavior or condition, are sufficient to warrant intervention; for example, the parents use extreme or bizarre forms of punishment, such as torture or confinement of a

child in a dark closet. For less severe acts such as habitual scapegoating, belittling, or rejecting treatment, demonstrable harm to the child is often required for Child Welfare Services to intervene.

Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way **may** report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.

WHO ARE CHILD ABUSERS?

Child abuse occurs in all cultural, ethnic, occupational, and socioeconomic groups. Although many people assume that parents are the only culprits, children can become victims of abuse by persons in nonparental relationships, such as family friends, neighbors, acquaintances, or strangers. Those who abuse children may also be trusted to care for our children, such as teachers, child care providers, or foster parents. They may be male or female; they may be adults, adolescents, or children.

WHY MUST YOU REPORT?

The primary intent of the reporting law is to **protect an abused child from further abuse**. Protecting the identified child may also provide the opportunity to protect other children. It is equally important to provide help for the parents. Parents may be unable to ask for help directly, and child abuse may be their way of calling attention to family problems. The report of abuse may be a catalyst for bringing about change in the home environment, which in turn may help to lower the risk of abuse in the home.

Aside from the fact that it is in the best interests of the child to ensure their safety by monitoring and reporting suspected abuse, **IT IS YOUR JOB!**

Employment and Licensing Requirements – Penal Code §11166.5

Agencies employing a mandated reporter must provide the employee a statement in which he or she must sign acknowledging the reporting law and willingness to comply with its provisions. For those individuals who receive a state license or certification and are required to report child abuse will receive a statement explaining their reporting requirements.

Liability for Failing to Report: Penalties— Penal Code §11172[e]

Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor crime, which is punishable by up to six months in the county jail and/or up to $1000 in fines or both and may lose license or credential.

SAFEGUARDS FOR MANDATED REPORTERS IN CALIFORNIA

Afraid To Get Involved?

Many people are afraid to get involved because they fear that they will cause trouble for a family if the allegations prove to be false. They are also afraid that the family will be given their identity and retaliate against them, or they could lose their job if their employer doesn't want them to get involved. However, there are safeguards in effect to protect mandated reporters when fulfilling their legal mandate.

Confidentiality - California Penal Code §11167

The first thing you should know is that **your identity as the reporting party is confidential** and will only be given to those agencies that investigate mandated reports. A Mandated Reporter's name is to be held confidential at all times and can only be shared with:

- Child Protective Agencies

- Child Protective Agency's Counsel
- The Child's Counsel
- District Attorney in cases of Criminal Prosecution or Parental Rights Termination
- Licensing Agencies in Abuse Cases in Out-of-Home Care
- By Court Order
- If the Mandated Reporter Waives Confidentiality
- Never to Mandated Reporter's employer except by consent or Court Order

Any violation of the confidentiality provided in California Penal Code Section 11167 is a misdemeanor, punishable by imprisonment in a county jail not to exceed six month, by a fine of $500 or both.

Immunity for Reporters - California Penal Code §11172(a)

Mandated reporters have immunity from civil or criminal liability when reporting as required by law. Per PC 11172:

- No mandated reporter shall be civilly or criminally liable for any report required or authorized by this article.
- Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by law, unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report, and any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused.
- No mandatory reporter, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse or neglect without parental consent, or for disseminating the photographs with the reports required by law. However, this section does not grant immunity from liability with respect to any other use of the photographs.
- Any person who, pursuant to a request from a government agency investigating a report of suspected child abuse or neglect, provides the requesting agency with access to the victim of known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of providing that access.
- Immunity, however, does not eliminate the possibility that actions may be taken against the Mandated Reporter. Therefore, the state will reimburse up to $50,000 in legal fees in case of a suit.

Safety from Sanctions - California Penal Code § 11166(g)

Finally, mandated reporters cannot be prevented from reporting nor lose their job for making a report:

- Reporting duties are individual, and no supervisor or administrator may impede or inhibit the reporting duties.
- No person making a report shall be subject to any sanctions 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 the reporting laws.

CAN A MANDATED REPORTER BE ANONYMOUS?

If reporting on situations discovered during the reporter's professional capacity or hours of employment, the Mandated Reporters is required to give his/her name. (During personal off duty hours, the mandated reporter may act as a Non-mandated reporter and report anonymously). Child protective agencies are required to keep the mandated reporter's name confidential, unless the mandated reporter waives confidentiality or the court orders the information disclosed.

SHOULD YOU INVESTIGATE THE CIRCUMSTANCES?

It is not recommended that a mandated reporter conduct a thorough investigation of abuse or neglect, but rather they should gather sufficient information to sustain a reasonable suspicion that abuse or neglect has occurred.

- Remember, reasonable suspicion occurs when "it is objectively reasonable for a person to entertain such a suspicion, based upon **facts** that could cause a reasonable person to suspect child abuse or neglect."

The types of facts needed depend on the circumstances such as:

- If a child discloses circumstances that lead you to believe he or she is being abused or neglected, you will need to document these statements using quotes if possible.
- If you observe or witness injuries or an abusive or neglectful situation, you will need to describe your observations in detail.

Child Welfare Services does not respond to situations in which no allegations of child abuse or neglect have been made. So it is very important that your documentation include information that supports one of the Penal Code definitions of abuse or neglect:

- Physical injury
- Willful cruelty
- Unlawful corporal punishment
- Sexual abuse or assault
- General Neglect
- Severe neglect

Refrain from over interviewing the child to avoid leading questions and re- traumatizing the child. Your responsibility is to contact Child Welfare Services or Law Enforcement, whose investigators are specifically trained in conducting comprehensive interviews to acquire the critical information necessary to determine risk to the child.

WHAT IF YOU'RE NOT SURE IT'S ABUSE OR NEGLECT?

- You can call your local Child Welfare Services Department or Law Enforcement agency to discuss your concerns. They can advise you whether or not to make a report. They can also give you advice that might assist you in helping the family in crisis.
- Always err on the side of over-reporting. If you have the thought "Maybe I should call . . ." - then DO! Not all calls to the hotline are determined to be abuse/neglect. However, CWS Departments can often provide services and assistance that can help families prevent abuse.

SHOULD I KEEP RECORDS?

Good record keeping or documentation, when kept confidential and in safe keeping, is important and helpful in recognizing child abuse...Why?

- Helps refresh memories
- Bolsters testimony of witnesses
- The child's history stays behind if you change jobs
- Helps build a "case" for reporting and CPS response
- Documentation of reasons when the decision is made to not make a report

SO YOU SUSPECT CHILD ABUSE, WHAT NOW?

Verbal Report*

If you suspect child abuse or neglect, your first step is to call the appropriate authorities (either Child Welfare Services or Law Enforcement) and make a verbal report. Law enforcement should be called if the situation is an emergency (i.e. the child is in immediate danger of further abuse) because Child Welfare Services does not always investigate reports on the same day that they are made.

The report should include the following information (if known):

- Your name, business address, and telephone number and the capacity that makes you a mandated reporter (i.e. Teacher's Aide)
- The child's name, address, present location, school, grade and class
- The names, addresses, and phone numbers of both the child's parents
- The information that gave rise to the reasonable suspicion of child abuse
- The names, addresses, and phone numbers of the person or persons who may have abused or neglected the child

The report must be made even if you do not have all of the above mentioned information.

Written Report*

Suspected Child Abuse Report (SCAR)

Following the verbal report, a **written report** must be sent in to the proper authorities within **36 hours**. SCAR forms are available online. SCAR forms additionally request the child's date of birth, race, and gender, the names, ages, and genders of other siblings in the home, the date of birth and race for both parents.

SCAR report: https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

The SCAR is available in Spanish, Chinese, Russian, Korean, Vietnamese, and Armenian via the link: https://oag.ca.gov/childabuse/forms

See California Penal Code Section 11165.9

***See pages 9-11 for Kern County reporting procedures and instructions for completing the SCAR.**

WILL YOU RECEIVE FEEDBACK ON YOUR REPORT?

After the investigation is completed or the matter reaches a final disposition, the investigating agency must inform the mandated reporter of the results of the investigation and any action the agency is taking with regard to the child or family.

The Kern County Department of Human Services has developed a form letter to comply with this requirement of Penal Code Section 11170(B)(2). Additionally, feedback may also be accomplished by telephone or in person.

The information you will receive in the Mandated Reporter's General Form Letter is very limited due to confidentiality.

Feedback will result in the investigating social worker sending the mandated reporter a letter, answering Yes or No to the following statements regarding the disposition of the referral:

- Does not meet the State requirements for intervention
- Allegations appear to be unfounded - case closed
- Allegations cannot be substantiated - case closed
- Situation stabilized - case closed
- Family has agreed to voluntary Social Services
- Case open for service: Name of Worker Assigned

- Referred to community agency: Agency Name
- Referred to Juvenile Court for Investigation

CWS feedback letters are generally sent out within 30 days of the report as this is the time frame in which most investigations are completed.

The letters will be sent to the agency address in care of the individual responsible for filing the report. If you have not received your notice, you may contact KCDHS to inquire about the results of your referral.

MAKING THE REPORT:

Kern County Mandated Reporting Procedures

Imminent Danger: 9 -1- 1

- In any case in which you believe the child is in imminent danger or immediate risk of injury or harm of any kind, call 9-1-1 so law enforcement may immediately intervene and assess the situation.
- In many of these situations, law enforcement will request Child Welfare Services to respond to the scene to assist them or follow up later to assess the child's safety and the family's circumstances.
- **Reporting directly to law enforcement satisfies your legal reporting obligations as a mandated reporter**

For all other circumstances, you can call:

- Law Enforcement – Call the agency with jurisdiction
- Kern County Department of Human Services

KCDHS 24-Hour HotLine – Make a VERBAL report!

DO NOT EMAIL – Call first – It's the law!

- The Kern County Department of Human Services (KCDHS) maintains a 24-hour a day, 7 days a week, phone line for the community to report child abuse or neglect.
- The phone number is (661) 631-6011.
- The KCDHS 24-hour CPS hotline is manned by trained social workers who will answer questions and take appropriate referrals from all callers.

THEN Follow-Up (EMAIL/Fax) with the Written Report Suspected Child Abuse Report (SCAR)

- Mandated Reporters must follow-up all verbal reports with a written report within 36 hours.
- The SCAR document is available in PDF format at the following government website: https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf
- The SCAR is available in Spanish, Chinese, Russian, Korean, Vietnamese, and Armenian via the link: https://oag.ca.gov/childabuse/forms
- The original SCAR should be sent to the agency receiving the verbal report – either Child Protective Services or Law Enforcement.
- For KCDHS mail, fax, or email the SCAR
  - Mail to: KCDHS – CPS (SCAR Enclosed), PO Box 511, Bakersfield, California 93302, or bring the form to our department located at 100 East California Avenue, Bakersfield, California.
  - Email to: KernCPSHotLine@kerndhs.com
  - FAX (661) 631-6568: Please include a phone number where you can be reached should KCDHS emergency personnel need to make a follow-up call.
- **For Law Enforcement** send the SCAR to the agency of Jurisdiction

HOW TO COMPLETE A SCAR

In the name of efficiency, we would like to provide you with a few helpful reporting hints:

- The **VERBAL** report of suspected child must be made immediately, or as soon as possible, by **PHONE**. **Please DO NOT EMAIL in lieu of a verbal report.** The hotline personnel need to speak directly to the mandated reporter to acquire all the important information needed to assess the circumstances. The "hard copy" or *Suspected Child Abuse Report* (SCAR) may then be mailed, emailed, or faxed within 36 hours. When mailing, indicate **"SCAR Enclosed"** on the outside of the envelope.
- In the **REPORTING PARTY** section, include your name and any other mandated reporters who were present and observed the abuse or overheard the disclosure. Please indicate your occupation, organization's name, work physical and mailing address, and work telephone number. Please include the city and zip code.
- In the **REPORT NOTIFICATION** section, check the agency that received your report and enter the agency's mailing address (Kern CPS: KCDHS, PO Box 511, Bakersfield, CA 93302). Also enter the date and time of your phone call, the person's name who received your report, and the agency's phone number (Kern CPS: 661 631-6011).
- In the **VICTIM** section, put the child victim's name. Please indicate spoken language! If siblings are also victims, just indicate that in the sibling section (Under Involved Parties) or explain the situation when you give the narrative description. Additional Suspected Child Abuse Reports are not needed for each sibling.
- In the **INVOLVED PARTIES** section, indicate sibling/parent/suspect information. Enter in the mother's name, even if she doesn't live in the home or is deceased. Put in the father's name and indicate if he is a biological father, stepfather or mother's boyfriend. Include the city and zip code. Please indicate spoken language or other important information under "Other Relevant Information."
- In the **INCIDENT INFORMATION** section, please write clearly or, if you choose, you may just write "see attached" and provide the information on typed/printed attachments. Use plain language. Explain medical terms used. Do not use uncommon abbreviations. Use as many additional sheets of paper as needed.
- **And remember, Child Protective Services has jurisdiction to protect children from adults or caretakers <u>that live in the child's home</u>, not from adults that live outside of the child's home,** such as teachers, doctors, neighbors, etc. Abuse that is caused by these "out-of-home" perpetrators will not be investigated by CPS but will be referred to law enforcement.
- **Cross Reporting:** Reporting directly to law enforcement satisfies your legal reporting obligation as a mandated reporter.

Remember:

- **CALL THE KCDHS HOTLINE AT (661) 631-6011**
- **SEND SCAR TO: KCDHS – CPS (SCAR Enclosed), P.O. BOX 511, BAKERSFIELD, CA 93302; FAX to (661) 631-6568; or email to KernCPSHotLine@kerndhs.com**

EXAMPLE OF SUSPECTED CHILD ABUSE REPORT

Print

SUSPECTED CHILD ABUSE REPORT

Reset Form

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166

PLEASE PRINT OR TYPE

CASE NAME: _____

CASE NUMBER: _____

A. REPORTING PARTY

NAME OF MANDATED REPORTER	TITLE	MANDATED REPORTER CATEGORY
Mary Mandated	Teacher	Teacher

REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS (Street, City, Zip)	DID MANDATED REPORTER WITNESS THE INCIDENT?
Sundown Elementary School 321 Main Street, Bakersfield, Ca 93303	☐ YES ☒ NO

REPORTER'S TELEPHONE (DAYTIME)	SIGNATURE	TODAY'S DATE
(661) 555-5555		August 19, 2009

B. REPORT NOTIFICATION

☐ LAW ENFORCEMENT ☐ COUNTY PROBATION
☒ COUNTY WELFARE / CPS (Child Protective Services)

AGENCY: Kern County Child Protective Services

ADDRESS (Street, City, Zip)	DATE/TIME OF PHONE CALL
PO Box 511, Bakersfield, Ca 93302	8/19/09 1:09 AM

OFFICIAL CONTACTED - TITLE	TELEPHONE
Susie Social Worker, CPS Hotline Worker	(661) 631-6011

C. VICTIM (One report per victim)

NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
Doe, Sarah	02-02-2002	F	W

ADDRESS (Street, City, Zip)	TELEPHONE
222 Backpack Lane, Bakersfield, Ca 93302	(661) 444-4444

PRESENT LOCATION OF VICTIM	SCHOOL	CLASS	GRADE
321 Main Street, Bakersfield	Sundown Elem.	Ms. Mandated	4

PHYSICALLY DISABLED?	DEVELOPMENTALLY DISABLED?	OTHER DISABILITY (SPECIFY)	PRIMARY LANGUAGE SPOKEN IN HOME
☐ YES ☒ NO	☐ YES ☒ NO	None	English

IN FOSTER CARE?	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE:	TYPE OF ABUSE *(CHECK ONE OR MORE)*
☐ YES ☒ NO	☐ DAY CARE ☐ CHILD CARE CENTER ☐ FOSTER FAMILY HOME ☐ FAMILY FRIEND ☐ GROUP HOME OR INSTITUTION ☐ RELATIVE'S HOME	☐ PHYSICAL ☐ MENTAL ☐ SEXUAL ☒ NEGLECT ☐ OTHER (SPECIFY)

RELATIONSHIP TO SUSPECT	PHOTOS TAKEN?	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH?
Daughter	☐ YES ☒ NO	☐ YES ☒ NO ☐ UNK

D. INVOLVED PARTIES

VICTIM'S SIBLINGS

NAME	BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY
1. Doe, Johnny	03-03-2000	M	W	3.			
2.				4.			

VICTIM'S PARENTS/GUARDIANS

NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
Doe, Janna	35	F	W

ADDRESS (Street, City, Zip)	HOME PHONE	BUSINESS PHONE
222 Street, Bakersfield, Ca 93303	(661) 777-7777	( ) unknown

NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
Doe, John	40	M	W

ADDRESS (Street, City, Zip)	HOME PHONE	BUSINESS PHONE
222 Street, Bakersfield, Ca 93303	(661) 777-7777	( ) unknown

SUSPECT

SUSPECT'S NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
Doe, John	40	M	W

ADDRESS (Street, City, Zip)	TELEPHONE
222 Street, Bakersfield, Ca 93303	(661) 777-7777

OTHER RELEVANT INFORMATION
Mr. Doe has been hostile with school personnel in the past.

E. INCIDENT INFORMATION

IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX ☐ *IF MULTIPLE VICTIMS, INDICATE NUMBER:* _____

DATE / TIME OF INCIDENT	PLACE OF INCIDENT
08-18-09 PM	Child's home - address above

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)

Jane has a one inch purple bruise above her right eye. Jane says her father pushed her down and she fell and hit her face against her bedroom doorway. She stated, "My dad got mad because my room was messy. He pushed me down and I hit my face on the doorway. I am scared he'll beat me 'cause I told." Jane and her brother, Johnny, are often very dirty and hungry when the arrive at school. No physical injuries have been noticed in the past.

SCAR Website: https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

SCAR Website: https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

TRAINING AND ONLINE RESOURCES FOR MANDATED REPORTERS

California Law

California Codes – Penal Code § 11165 – Mandated Reporting Laws

http://leginfo.legislature.ca.gov/

Suspected Child Abuse/Neglect Reporting Form:

SCAR: https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

The SCAR is available in Spanish, Chinese, Russian, Korean, Vietnamese, and Armenian via the link: https://oag.ca.gov/childabuse/forms

Request Training for Your Agency:

Kern County Department of Human Services, Shannon Ashburn: (661) 631-6546

KCDHS offers an instructor led presentation on mandated reporting for public agencies.

Online Courses/Resources:

California Department of Social Work Online Mandated Reporter Training (CDSS):

http://mandatedreporterca.com/training/training.htm

CDSS offers a self-paced course on mandated reporting responsibilities for the general public and professionals.

Center for Assault Treatment Services program at Northridge Hospital Medical Center:

https://www.dignityhealth.org/socal/locations/northridgehospital/about-us/center- for-assault-treatment-services

CATS offers courses on mandated reporting responsibilities.

Center for Disease Control and Prevention:
https://www.cdc.gov/violenceprevention/childabuseandneglect

State Resources

California Department of Social Services (CDSS), Office of Child Abuse Prevention (OCAP)

https://cdss.ca.gov/inforesources/OCAP

California Department of Education, Child Abuse Prevention Training and Resources

https://www.cde.ca.gov/ls/ss/ap/

FREQUENTLY ASKED QUESTIONS

CHILD ABUSE REPORTING & WHAT IS NOT CHILD ABUSE

Mandated Reporter's FAQ Sheet

CHILD ABUSE REPORTING: COMMONLY ASKED QUESTIONS

Who am I to say what is abusive?

Professionals often feel reticent to label behavior as abusive. They may feel they have no right to pass judgment on other people. However, if a reasonable suspicion exists, the protection of the child and compliance with the law must take precedence over these concerns. This protective action could be beneficial to parents, who might not recognize their behavior as abusive, or be reluctant to seek help.

What is the fine line between abuse and discipline?

If the discipline is excessive or forceful enough to leave injuries, physical abuse has occurred. The use of instruments increases the likelihood of injuries, as does the excessive punishment of young children. The intent of the reporting law is not to interfere with appropriate parental discipline, but to respond to extreme or inappropriate discipline which is abusive. Some parents hit their children in places where injuries are not visible (the buttocks, the thighs, the back) using belts, whips or other potentially dangerous instruments. If a mandated reporter has reasonable suspicion of abuse, even with no visible signs, a report is required. Under California Welfare and Institutions Code Section 300(a), reasonable and age- appropriate spanking to the buttocks where there is no evidence of serious physical injury does not constitute abuse.

What if abuse occurred in the past?

There is no time limitation regarding the reporting of child abuse. If a victim is under age 18, the abuse must be reported.

What if an adult states he or she was abused as a child?

The child abuse reporting law mandates a report when there is a reasonable suspicion or knowledge that minors may be in need of protection. Therefore, childhood abuse of adults should be reported if there is a reason to believe that there may be another potential child victim.

At what age is a child most at risk of abuse?

All Children are at risk of abuse, but infants and toddlers are most likely to sustain serious injuries due to their fragility. The mortality rate is highest for children 0-2. Some people may respond inappropriately due to the age of the child. For example, sexual abuse of infants is more difficult to fathom than sexual abuse of adolescents, yet it does occur. Adolescents are also at risk of abuse but may not receive needed help because they may be thought to provoke the abuse or are better able to protect themselves from abusive situations. Despite their age and size, adolescents are often as vulnerable as younger children to physical, sexual and emotional abuse and neglect.

What about testifying in court?

The majority of cases do not go to trial. When they do, and the reporter is required to testify, it is important to remember that the testimony may be essential for the protection of the child.

At what age can children be legally left alone?

There is no law which states the age when children can be left alone, nor is there any law which specifies a minimum age for a caretaker. Good judgment on the part of the parents is expected. The ages, number of children, children's maturity, the length of time in care, cultural factors and other characteristics would be considered.

Are clergy mandated to report?

Clergy are legally mandated reporters only if they are acting in the capacity of a mandated reporter (e.g., psychologist, teacher, marriage, family and child counselor) at the time they receive the information that causes them to suspect child abuse. The Mandated Reporter Law exempts clergy members from reporting known or suspected child abuse when the knowledge is acquired during "penitential communication." "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, tenet, customs, or practices of his or her church, denomination, or organization, has duty to keep those communications secret." In other words, clergy members have many roles in the administration of their parish, i.e., bible study leader, committee work, etc, and during those times, clergy are not exempt from the reporting mandate.

Are alcohol programs exempt from reporting child abuse?

No. The exemption in effect until 1987 for federally-funded alcohol/drug programs has been withdrawn. Today all alcohol or drug programs are required to make appropriate child abuse reports.

What is the difference between children's "normal" sex play and sexual abuse?

The lack of contemporary normative data regarding sexual activity among young children makes it difficult to distinguish between normal sex play and sexual abuse. It is clear, however, that very young children without exposure or experience do not usually have substantial or detailed knowledge about sexual activity. The child who exhibits developmentally inappropriate behaviors has probably either been exposed to that behavior or has experienced it. Exposure may have occurred directly, by observing people engaged in those activities or through a personal experience; or indirectly, through television or magazine articles.

Factors to be considered, in addition to developmental appropriateness, include the dynamics of the situation. Was coercion, threat, intimidation or force involved? Were children similar in age and size? Even in cases involving children of similar age and size, it is possible that the activity is abusive if threat, force or coercion is present.

Differences in emotional maturity and status must be evaluated. For example, a child who has been delegated the authority of "babysitter" by parents has a distinct status or power advantage over other children, even if the age differential is not large.

Many assessment questions must be considered when professionals are presented with situations in which children are engaging in sexual activity. It is important to understand not only the child's knowledge base but also its sources.

Do I have to report consensual sexual intercourse involving children?

Reporting sexual intercourse between minors is governed by law and by court decisions. It is not important that the reporter is sure that the sexual intercourse is truly consensual since all non-consensual sexual intercourse must be reported. All incest, that is sexual intercourse between closely related persons, is reportable whether it is consensual or not. Also, sexual intercourse between a child and an adult is always reportable. Abuse in any intimate relationship, regardless of age, is a crime. For more information on unlawful/consensual sexual intercourse involving a child see the following California Code:

CALIFORNIA CODES
http://leginfo.legislature.ca.gov
PENAL CODE SECTION 261-269

Is a mandated reporter "on duty" 24 hours a day and required to make reports on family, neighbors or friends?

In California, the mandated reporting law specifically states that reporting is required when the reporter has knowledge of or observes child abuse in his or her professional capacity or within the scope of his or her employment. In other words, you are mandated to report during normal working hours. A report is not required when information is obtained through a personal relationship. However, professionals with any knowledge of child abuse or neglect should examine their moral and ethical responsibilities to their community and its children when making such a decision.

Have I met my responsibility as a mandated reporter by putting the victim on the phone to make the report?

No. The law requires that the mandated reporter make both the telephone report and

complete the Suspected Child Abuse Report form. Some mandated reporters believe that a therapeutic benefit is derived from having the victim report. The volume of calls made to Emergency Response is often very high and the social workers assigned to receive calls are not prepared to meet the therapeutic needs of clients on the telephone.

Should I inform the family that I have made a child abuse report?

There is no law or regulation regarding this and good professional judgment should be used. If a child is in imminent danger and the perpetrator has access to the child it is better not to advise anyone in the family so that the child is not coerced into changing any disclosure. In other instances, letting the family know can be helpful and therapeutic. Whenever possible, informing the parents that a report was made is advisable since it is important that all professions set standards for acceptable care of children.

WHAT IS NOT CHILD ABUSE?

Mandated reporters often have questions about situations that may or may not be child abuse. Listed below are situations or circumstances that are not considered child abuse for the purposes of the Child Abuse and Neglect Reporting Act:

- **Children fighting:** Injuries caused by children fighting by mutual consent.
- **Spiritual Treatment:** For the purposes of this chapter, a child receiving treatment by spiritual means or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.
- **Reasonable Force:** Injuries caused by reasonable and necessary force used by a peace officer acting within the scope of his or her employment.
- **Injuries caused by reasonable and necessary force used by public school personnel** to stop a disturbance that is threatening physical injury to someone or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of a child.
- **Voluntary sexual activity between children under the age of 14:** Voluntary sexual conduct between children who are both under the age of 14 years and who are of similar age and sophistication is not a crime and need not be reported under the Child Abuse and Neglect Reporting Act.
- **Pregnancy:** Pregnancy of a minor, regardless of her age, does not, in and of itself, constitute the basis of a reasonable suspicion of sexual abuse. However, to err on the side of caution, a report should be made when the child is under the age of 14.

WHAT IS NOT CHILD ABUSE?

- Past abuse of a child who is an adult at the time of disclosure: There is no duty to report child abuse unless the victim is a child, meaning a person under the age of 18 years. Accordingly, past abuse of a child who is an adult at the time of disclosure or discovery of the abuse need not be reported. However, if a mandated reporter has a reasonable suspicion due to the conversation with this adult that someone still under the age of 18 has been abused, it must be reported.
- Maternal substance abuse and positive toxicology screen at birth: A positive toxicology screen at the time an infant is delivered is not, in and of itself, a sufficient basis for reporting child abuse or neglect. However, any indication of maternal substance abuse shall lead to an assessment of the needs of the mother and child pursuant to Health and Safety Code section 123605. If other factors are present that indicate a risk to the child, a report must be made, but a report based on risk to a child that relates solely to the parent's inability to provide the child with regular care due to the parent's substance abuse shall be made only to county welfare departments and not to law enforcement agencies.

- Homeless or Unaccompanied Minors: Pursuant to AB 652 and SB 1304, the fact that a child is homeless or is classified as an unaccompanied minor is not, in and of itself, a sufficient basis for reporting child abuse or neglect. However, nothing shall limit a mandated reporter from making a report whenever the mandated reporter has knowledge of or observes the minor to be a victim of abuse or neglect.
- Sudden Infant Death Syndrome (SIDS): SIDS is the sudden and unexpected death of a baby who seems perfectly healthy. Victims are most often between the ages of one month and one year. Every two hours in the United States, a baby dies of SIDS. It is a recognized cause of death and is only determined after completing an autopsy, a death scene investigation and a review of the case history of both the baby and family. Scientists from the United States and around the world are conducting large-scale, ongoing research into deaths from SIDS but the cause is still unknown. What is known is that SIDS is not caused by child abuse and it should not be confused with child abuse. They have identified ways to reduce the incidents of SIDS through certain infant care practices, such as sleep position, breast feeding, and proper infant care. "Back to Sleep," a national educational campaign, recommends that all babies be placed on their backs to sleep, unless otherwise instructed by a healthcare professional.

WHEN SEXUAL INTERCOURSE* WITH A MINOR MUST BE REPORTED AS CHILD ABUSE BY MANDATED REPORTERS: CALIFORNIA LAW

The California Child Abuse and Neglect Reporting Act requires certain professionals ("mandated reporters"), like teachers and health care providers, to report to child protection or law enforcement when they know or reasonably suspect child abuse. Sexual intercourse with a minor (a person younger than age 18) is reportable as child abuse in three circumstances:

1. WHEN COERCED OR IN ANY OTHER WAY NOT VOLUNTARY

   Mandated reporters must report if they have a reasonable suspicion that intercourse with a minor was coerced or in any other way not voluntary. As one example, sexual activity is not voluntary when the victim is unconscious or so intoxicated that he or she cannot resist. See Penal Code sections 261 and 11165.1 for more examples.

2. WHEN IT INVOLVES SEXUAL EXPLOITATION OR TRAFFICKING

   Mandated reporters must report if they have a reasonable suspicion that a minor has been sexually trafficked or is being sexually exploited. See www.teenhealthlaw.org for more information on this requirement.

3. BASED ON AGE DIFFERENCE BETWEEN PARTNER AND MINOR IN A FEW SITUATIONS

   Mandated reporters also must report intercourse with a minor in a few situations based solely on the age difference between the minor and their partner, according to the following chart:

   KEY: M = Mandated. A report is mandated based solely on age difference between partner and minor.

   J = Use judgment. A report is not mandated based solely on age difference; however, a reporter must report if he or she has a reasonable suspicion that the intercourse was coerced, involved trafficking or exploitation, or was in any other way not voluntary, as described above, irrespective of age..

Age of Partner ⇒ Age of Youth ⇓	12	13	14	15	16	17	18	19	20	21	22 & older
11	J	J	M	M	M	M	M	M	M	M	M ⇒
12	J	J	M	M	M	M	M	M	M	M	M ⇒
13	J	J	M	M	M	M	M	M	M	M	M ⇒
14	M	M	J	J	J	J	J	J	J	M	M ⇒
15	M	M	J	J	J	J	J	J	J	M	M ⇒
16	M	M	J	J	J	J	J	J	J	J	J ⇒
17	M	M	J	J	J	J	J	J	J	J	J ⇒
18	M	M	J	J	J	J					
19	M	M	J	J	J	J					
20	M	M	J	J	J	J					
21 & older	M	M	M	M	J	J					

Chart design by David Knopf, LCSW, UCSF.
(*The legal sources for this chart are*: Penal Code §§ 261.5, 261, 11165.1, 11165.6, 11166; 249 Cal. Rptr. 762, 769 (3rd Dist. Ct. App. 1989); 226 Cal. Rptr. 361, 381 (1st Dist. Ct. App. 1986).

Do I have a duty to ascertain the age of a minor's sexual partner for the purpose of child abuse reporting?

No statute or case obligates mandated reporters to ask youth about the age of their sexual partners for the purpose of reporting child abuse. See 249 Cal. Rptr. 762, 769 (3rd Dist. Ct. App. 1988).

Do I report pregnancy as child abuse?

The Child Abuse and Neglect Reporting Act states that "the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of child abuse." Penal Code section 1166(a)(1).

What do I do if I am not sure whether I should report something?

When you aren't sure whether a report is required or warranted, you may consult with legal counsel and Child Protective Services to ask about the necessity or appropriateness of a referral.

** This worksheet addresses mandated reporting of vaginal intercourse between non-family members. It is not a complete review of all California sexual abuse reporting requirements and should not be relied upon as such. For more information on other reporting rules and how to report in California, check www.teenhealthlaw.org. Legal information, not legal advice.* *© National Center for Youth Law. June 2017.*

Mandated Reporter's Resource Guide

BEHAVIORAL AND PHYSICAL INDICATORS OF CHILD ABUSE AND NEGLECT

NOTE:
Any behavioral indicator alone can be a natural, normal response for a child. It is important to keep in mind that there may be a problem if the behaviors are in the extreme and are consistent, and are of long duration and pervasive.

GENERAL OR SEVERE NEGLECT

While any of these conditions may exist in any home, it is the extreme or persistent presence of these factors that indicate the degree of neglect. Disarray and an untidy home do not necessarily mean the home is unfit.

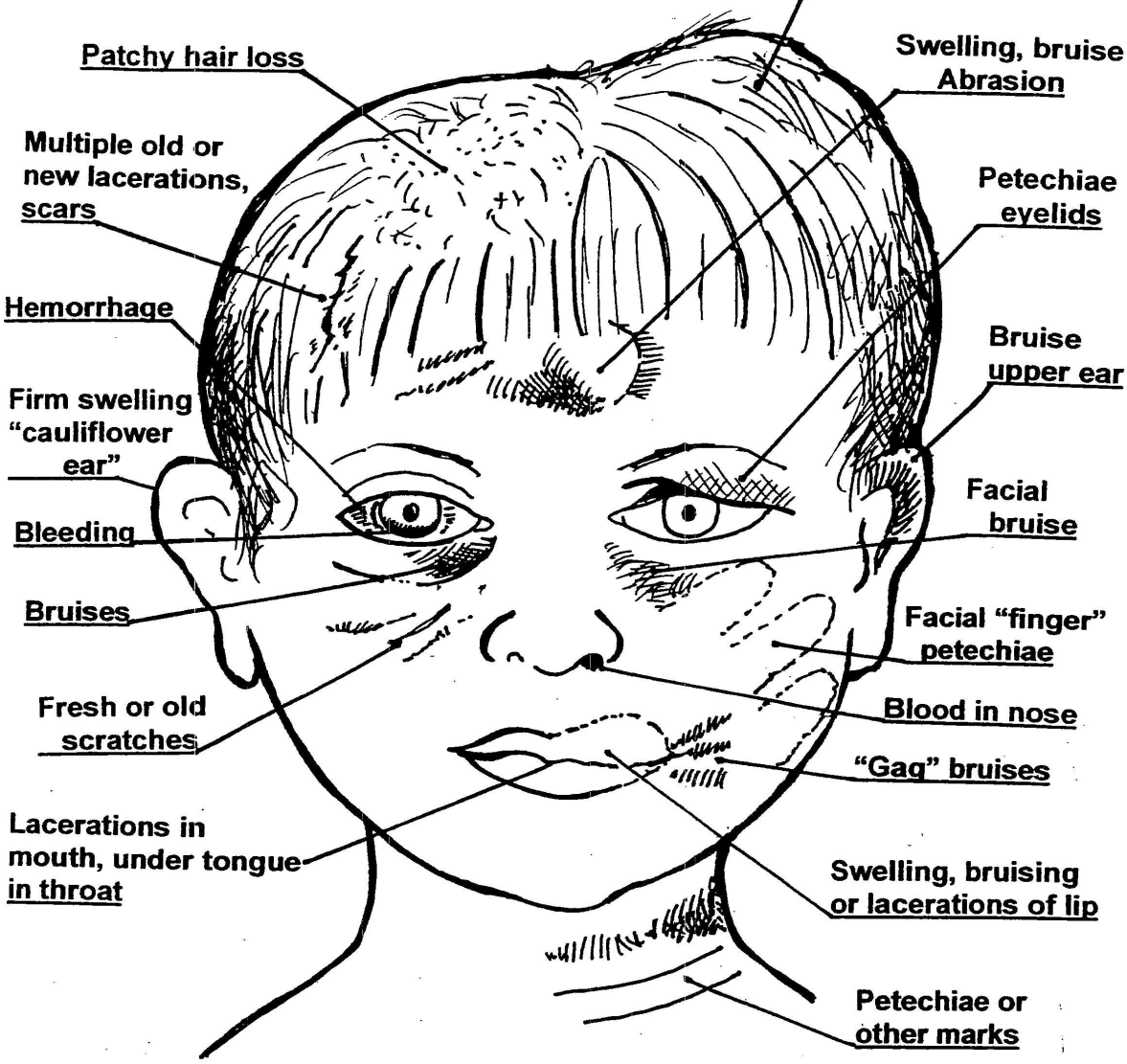
Physical Indicators	Behavioral Indicators
Underweight, poor growth pattern, e.g., small in stature, malnutrition, failure to thrive	Child begs or steals food
Consistent hunger, poor hygiene, inappropriate dress	Extended stays at school – child arrives early and departs late
Consistent lack of supervision, especially in dangerous activities	Child rarely attends school
Hazardous living environment	Child exhibits constant fatigue, listlessness or falling asleep in class
Wasting of subcutaneous tissue	Child has delayed speech
Unattended physical problems or medical needs	Child inappropriately seeks affection
Abandonment	Child does not change expression
Abdominal distention	Child assumes adult responsibilities and concerns
Bald patches on the scalp	Child abuses alcohol or drugs
Serious and continuous lice infestations	Child talks in whisper or whines
Substance abuse	Child exhibits delinquent behavior, e.g., thefts
-	Child states there is no caretaker

PHYSICAL ABUSE

The type and location of an injury can help distinguish accidental injuries from suspected physical abuse. Typical locations of injuries resulting from abuse are the back surface of a child's body from the neck to the knees, injuries to the face, bilateral injuries or those on several different parts of the body. Injuries on the shins, elbows, knees or forehead are not typical locations of injuries sustained from abuse.

Physical Indicators	Behavioral Indicators
Unexplained bruises and welts: • Appear on face, lips, mouth, torso, back, buttocks, thighs • Various stages of healing • Clustered, forming rectangular patterns, reflecting shape of article used to inflict harm such as electrical cord or belt buckle • Appear on several different surface areas • Regularly appear after absence, weekend or vacation	**Child:** • Feels deserving of punishment. • Appears wary of adult contact • Expresses apprehension when other children cry • Expresses behavioral extremes from withdrawal to aggressiveness and /or hyperactivity
Unexplained Burns: • Cigar, cigarette burns often appear on soles, palms, back or buttocks • Immersion burns appear as sock-like, glove- like, doughnut shaped on buttocks or genitalia • Pattern burns like electrical burner, iron etc • Rope burns on arms, legs, torso • Infected burns, indicating delay in seeking treatment	**Child:** • Appears frightened of parents – afraid to go home • Reports injury by parents • Expresses vacant or frozen stare, listless and detached • Lies very still while surveying surroundings (Infant)
Unexplained fracture/Dislocations: • Skull, nose, facial structures • Various states of healing • Multiple or spiral fracture	**Child:** • Responds to questions in monosyllables • Expresses inappropriate or precocious maturity • Expresses manipulative behavior to get attention • Maintains only superficial relationships
Unexplained Lacerations or Abrasions: • Mouth, lips, gums, eyes • Various stages of healing • Bald patches on scalp	**Child:** • Indiscriminately seeks affection • Expresses poor self-concept • Expresses over-compliance • Acts consistently irritable • Exhibits chronic ailments, stomachaches, vomiting etc

The Abused Child

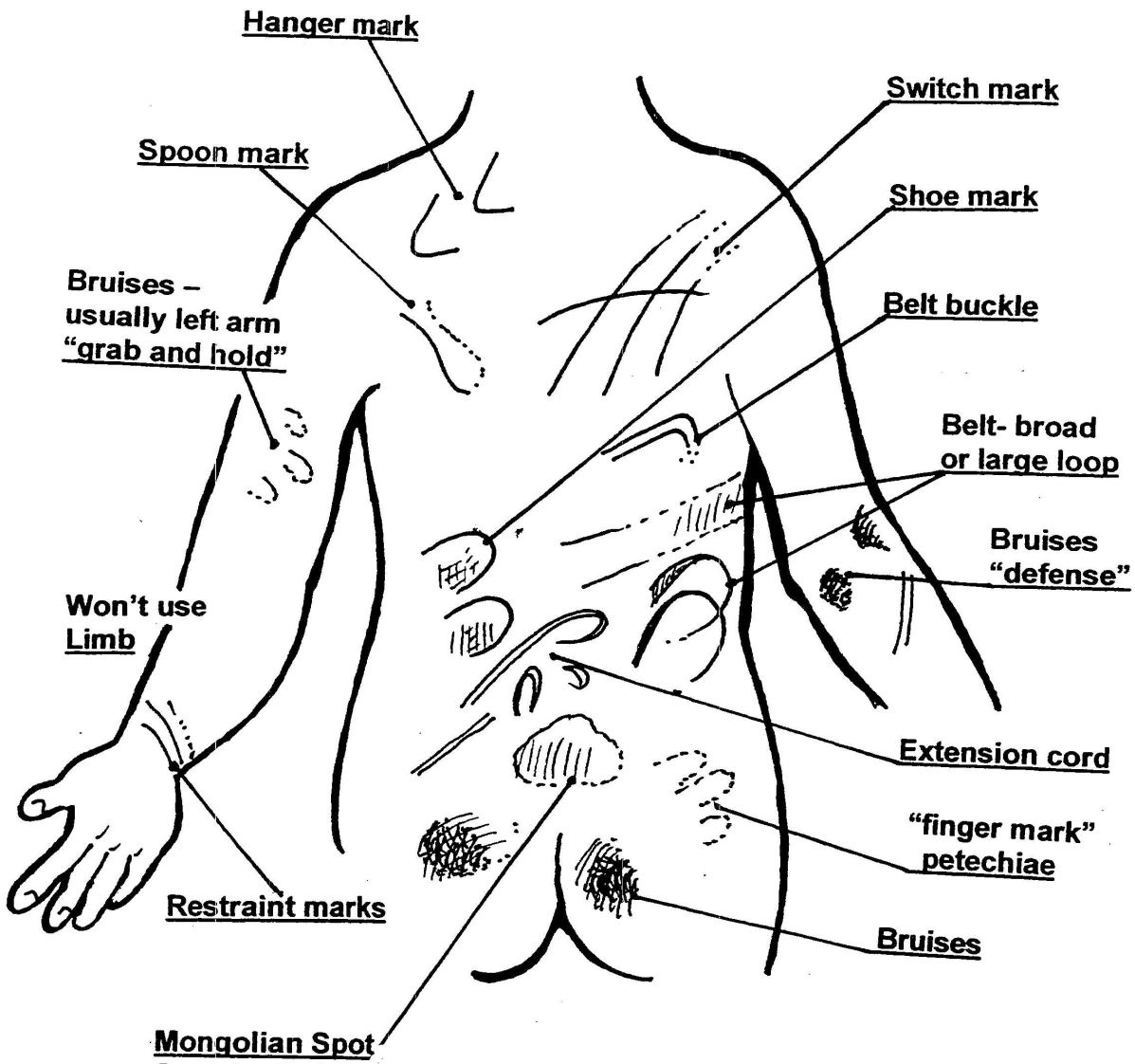


Petechiae on throat and eyelids = choking

Forced feeding may injure lips and teeth

Dating bruises:

Color of Bruise	Age of Bruise
Red	Less that 1 day
Dark purple	1 to 3 days
Green	4 to 7 days
Yellow	1 to 2 weeks
Disappearance	2 to 4 weeks


Hanger mark
Spoon mark
Bruises – usually left arm "grab and hold"
Won't use Limb
Restraint marks
Switch mark
Shoe mark
Belt buckle
Belt- broad or large loop
Bruises "defense"
Extension cord
"finger mark" petechiae
Bruises
Mongolian Spot
Seen in darker pigmented races. Spot is very even, fine blue to gray color, smooth irregular border. Usually on back, but can be located anywhere. Present from birth or shortly thereafter.

SEXUAL ABUSE

The single most important indicator is disclosure by the child to a friend, classmate, teacher, a friend's parent, or other trusted adult. The disclosure may be direct or indirect. It is not uncommon for children to disclose sexual abuse months or years after the incident. Children rarely fabricate these accounts, they should be taken seriously.

Physical Indicators	Behavioral Indicators
Difficulty in walking or sitting	Child is unwilling to change for gym or participate in physical education class
Torn, stained or bloody under clothing	Child expresses withdrawal, fantasy or infantile behavior
Pain, swelling, or itching in genital areas	Child exhibits bizarre, sophisticated or unusual sexual behavior or knowledge
Bruises, bleeding or lacerations in external genitalia, vaginal or anal areas	Child relates poorly with peers
Vaginal/penile discharge	Child reports sexual assault by caretaker
Venereal disease, especially in pre- teens	Child's performance in school changes
Poor sphincter tone	Child expresses poor self-image
Pregnancy	Child is depressed
	Child exhibits sudden sleeping and or eating disturbances
	Child exhibits excessive or unusual rubbing of the genital area
	Child is excessively clingy
	Child fears going home or a particular person
	Child confides in someone but doesn't tell the whole story ("We have a secret, but I can't tell," or "I want to tell you something, but I can't," etc.
	Child expresses self-destructive behavior

EMOTIONAL ABUSE

Parents may inflict emotional abuse on their children by excessive verbal assaults such as belittling, screaming, threats, blaming, and sarcasm; unpredictable responses or inconsistency; continual negative moods; constant family discord or double-message communication.

Physical Indicators	Behavioral Indicators
Speech disorders Lags in physical development Failure to thrive Hyperactive or disruptive behavior Sallow, empty facial appearance	**Habit Disorders:** • Sucking • Biting • Rocking **Conduct/Learning Disorders:** • Antisocial behavior • Destructiveness **Neurotic Traits:** • Sleep disorders • Inhibition of play • Unusual fearfulness **Behavioral Extremes:** • Child does not change expression • Compliant, passive • Aggressive, demanding **Overly Adaptive Behavior:** • Inappropriately adult • Inappropriately infantile **Developmental Lags:** • Mental • Emotional **Attempted Suicide**

These behavior patterns may, of course, be due to other causes, but the suspicion of abuse should not be dismissed. Emotional abuse is very difficult to assess. Cumulative documentation by a child protection agency may be necessary for effective intervention. Therefore, emotionally abused children should be referred to treatment as soon as possible.

Generally, children who are being physically abused or neglected or sexually abused are often experiencing emotional abuse as well.

CHECKLISTS

HOME OBSERVATIONS PARENTAL FACTORS

CHECKLIST FOR MAKING OBSERVATIONS IN THE HOME FOR REPORTS OF NEGLECT*

The following conditions are present and parents exhibit NO concern or interest in remedying the situation:

Safety

- ☐ Bare electrical wires, frayed cords, overloaded sockets or open sockets.
- ☐ Exposed heating elements or fan blades
- ☐ Gas leaks
- ☐ No railings on stairs
- ☐ Broken, jagged, or sharp objects
- ☐ Unprotected windows, e.g., upper story windows which are uncovered yet accessible to a small child.
- ☐ Loose boards, holes in walls.

Sanitation

- ☐ Overrun with vermin
- ☐ Urine soaked mattresses
- ☐ Eating utensils obviously reused over and over again without washing.
- ☐ Human or animal feces on floors or walls
- ☐ Encrusted or multi-layered dirt throughout
- ☐ Toilets being used but not in working order
- ☐ Garbage left to rot inside house

Furnishings

- ☐ Inadequate number of beds for number of persons in the home.
- ☐ Stove not working
- ☐ Refrigerator not working
- ☐ Cupboards with little or no food

Utilities

- ☐ Heating inoperable in cold weather
- ☐ Electricity inoperable
- ☐ No water

Space

- ☐ Inadequate space and privacy relative to the number and ages of residents

Structure

- ☐ Repairs needed to make the home habitable

** Adapted from "Child Neglect Severity Scale," developed by Aileen Edginton and Marilyn Hall, Dallas Children and Youth Project, Southwester Medical School, University of Texas, Health and Science Center, June, 1980.*

CHECKLIST OF FACTORS TO CONSIDER WHEN DETERMINING THE ROLE OF THE PARENTS

You should be suspicious if....

Parent's Explanation of the Child's Condition:

- ☐ The child's condition could not have occurred in the way the parent describes.
- ☐ When describing the child's condition, the parent(s) suggest that the child has done something which he or she is physically or developmentally unable to do.
- ☐ The parent blames the child for his or her injuries.
- ☐ The parent's story sounds as if it has been rehearsed.
- ☐ The parent seems unconcerned or unduly concerned about the child's injury.
- ☐ The parent resists describing what happened.
- ☐ The parent has no explanation of the child's injury.

Parent's Attitude Toward the Child:

- ☐ The parent has unrealistic expectations of the child.
- ☐ The parent is unaware of normal developmental stages of children.
- ☐ The parent is unaware of alternative methods of discipline.
- ☐ The parent describes the child in negative terms.
- ☐ The parent believes the child is unloving and ungrateful.
- ☐ The parent expects the child to provide love and support beyond his or her capabilities.
- ☐ The parent blames the child for CPS intervention.
- ☐ The parent continually changes the discussion to him or herself rather than talking about the child.
- ☐ The parent is unable to provide a knowledgeable history of the child's developmental milestones, nutritional patterns, and daily activities.

Internal and External Conditions Affecting the Parent(s):

- ☐ Seems to be at "the end of his/her rope" or helpless to deal with the child's crying, disobedience or misbehavior
- ☐ Appears to be unable to care for the child or meet his/her needs
- ☐ Seems to have poor impulse control
- ☐ Seems to be overwhelmed by crises in his or her life
- ☐ Seems to have inadequate coping skills
- ☐ Appears to be emotionally deprived
- ☐ Appears to have low self-esteem
- ☐ Lacks social and emotional contacts outside the family

- ☐ Seems unable to acquire support from spouse or significant other
- ☐ Has a chaotic home life
- ☐ Seems to have little motivation or skill to affect changes in his/her life
- ☐ Abuses drugs or alcohol
- ☐ Is unavailable or inaccessible
- ☐ Seems excessively angry about CPS intervention
- ☐ Seems concerned most about what may happen to her/her

Parent's History:

- ☐ The parent was abused or neglected as a child.
- ☐ The parent describes his/her parents as having used excessive discipline or punishment.
- ☐ The parent feels antagonistic toward his/her own parents.
- ☐ The parent describes feeling unloved or unwanted as a child.
- ☐ The parent describes having been unable to turn to his/her parents when upset.
- ☐ The parent describes his/her home life as being chaotic.
- ☐ The parent has not contact with his/her own parents or siblings
- ☐ The parent had excessive demands placed on him/her as a child.
- ☐ The parent has a history of psychological problems.
- ☐ There have been previous reports of abuse or neglect.

WHAT HAPPENS AFTER A REPORT IS MADE?

WHAT HAPPENS AFTER A REPORT IS MADE?

The primary purpose of filing a report is to make all responsible agencies aware of possible abuse, which will lead to a thorough investigation and protection of the child.

Reports are investigated either by the local law enforcement agency and/or by the county child welfare services (child protective services) agency.

Reports received by child welfare services, shall be cross reported im- mediately, or as soon as possible, to the local law enforcement agency having jurisdiction. Likewise, law enforcement must cross-report to child welfare agencies.

When a child protective agency receives a report of abuse alleged to have occurred in facilities licensed to care for children by the State Department of Social Services or the county licensing agency authorized by the State, it shall, within 24 hours, notify the licensing office with jurisdiction over the facility.

Agency Roles:

Law enforcement's role centers on the fact that child abuse is a crime, and that the primary consideration is the protection of the child. When abuse has occurred within a family, the social worker's emphasis is to ensure the safety of a child and provide services to keep the family together. Social workers and law enforcement officers often work together in the investigation, even though each agency's focus may differ.

CWS Response Determination:

If there is immediate danger to a child, State law requires that Child Welfare Services provide an in-person response to reports of child abuse or neglect within 24 hours. All other reports require a response within 10 days.

Reports where there are no allegations of child abuse or neglect are evaluated out, receiving no response. However, referrals are made to other agencies or community resources which may be more appropriate or helpful given the alleged details or problems.

CWS Services:

Once a report of child abuse or neglect is deemed appropriate for response, there are various steps that are taken along the way as part of the resolution process. These steps generally involve Child Welfare Services and possibly the juvenile court dependency process.

The Child Welfare Services system investigates allegations of in-home child abuse/neglect and provides case management and support services to children and their families.

County child welfare service programs are the major intervention system for child abuse and neglect in California. The child welfare services provided consists of four main components:

- **Emergency Response** is the initial intake point. The investigating social worker must assess the child's safety and the needs of the family. Based on the investigation, the social worker will determine an allegation disposition:
  - Unfounded – Allegations are false, inherently improbable, accidental injury or does not constitute child abuse.
  - Substantiated – Credible evidence supports the allegations are true.
  - Inconclusive – Not enough evidence to support or refute allegations. The emergency response worker may offer the family services to maintain the child safely in the home. Removal of the child from the parents' custody is permitted only when the child cannot be otherwise protected.
- **Family Maintenance** provides voluntary or court-ordered support services to prevent abuse/neglect while the child remains in the home. These services may include family counseling, substance abuse counseling, parent training, respite care, financial services and other in- home services.

- **Family Reunification** provides court-ordered support services to the family while the child is in temporary out-of-home care (foster care or relative placement). These services may include family counseling, substance abuse counseling, parent training, and referrals to other community resources to address precipitating factors.
- **Another Planned Permanent Living Arrangement (APPLA)** provides case management and placement services to children in out- of-home care who cannot be returned to their families. Children's cases referred for permanent placement services will be directed either to adoptions, legal guardianship, or another planned permanent living arrangement.

The Juvenile Dependency Process:

Social workers have the responsibility for determining whether a child is at risk of abuse or neglect, whether child welfare services should be offered, and whether court dependency proceedings should be initiated.

The juvenile dependency process involves a series of hearings and case reviews and may result in several outcomes, such as returning the child home, continued foster care placement, or other permanency plans, such as legal guardianship or adoption.

Hearing Procedure:

- **Dependency Petition** begins the dependency process. The petition is a request that the child be declared a dependent of the court. A dependency petition can be filed regardless of whether a child is taken into custody.
- **Detention Hearing** is held to approve the temporary removal of the child from his or her home
- **Jurisdiction Hearing** is held to determine whether or not abuse or neglect occurred as stated in the petition.
- **Disposition Hearing** is held to determine a remedy. The court may order services for the family, requiring parents to complete specific goals and objectives within a certain time frame.
- **Review Hearings** are held every six months to review the parents' cooperation and compliance towards ameliorating or mitigating the reasons for dependency, and to review the child's well-being.
- **Permanency Planning Hearings** are held annually to determine the best permanent plan for the child, including long-term foster care, legal guardianship, adoption, or return to the parent(s).
- **Service Termination:** Child welfare services can be terminated and the petition dismissed, when the court decides the child can remain safely in the home or the child emancipates, ages out of the system, is awarded a legal guardian, or is adopted.

THE CHILD ABUSE CENTRAL INDEX DEPARTMENT OF JUSTICE (DOJ)

When you report abuse you create a "paper trail" that makes it easier to stop a repeat offender or to build a solid case against an offender. The California Department of Justice maintains a central repository of information abut reported child abuse, called the Child Abuse Central Index, or CACI.

CACI contains summary information from investigation reports submitted by law enforcement and child welfare departments on child abuse victims and suspected abusers. This information includes the suspect's and victim's names and personal characteristics, reporting agency, type of abuse, local agency file number, and date of report.

CACI does not investigate reports of child abuse. It provides the following services to law enforcement and child welfare departments:

- Searches, indexes, and files child abuse reports received from investigating child protective agencies (law enforcement and child welfare and probation)

- Searches the names of applicants for child care service licenses and employment to determine if they have a prior history of child abuse that may result in disqualification.
- Notifies reporting agencies of current victims and suspects with prior histories of child abuse.
- Provides assistance to appropriate persons and agencies concerning reporting and identification of child abuse.
- Conducts statewide training sessions on child abuse reporting for investigative agencies and persons required to make reports.

According to penal code section 11165.12, the following types of reports must be submitted to CACI by investigating agencies:

- Substantiated reports constituting physical abuse, sexual abuse, and severe neglect based on credible evidence.

All investigating agencies are required by law to file the results of their investigations of known or suspected cases of child abuse (except unfounded reports and general neglect investigations) with the CACI. Concurrently, the investigating agency must notify, in writing, the known or suspected abuser that he or she has been report to the CACI.

Reports that are determined to be substantiated are retained in the CACI for a minimum of ten years, whether or not any formal action is taken in the case, for the purpose of identifying a pattern of abuse not reflected in prior arrests or convictions.

CHILD PROTECTIVE SERVICES

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