
Mandatory Reporting

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for abuse 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.

307.2 POLICY

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

307.3 CHILD ABUSE

307.3.1 NOTIFICATION

Members of this department who are mandated reporters of child abuse pursuant to Penal Code § 11165.7 shall notify law enforcement 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 HCPD receives a report of abuse or neglect, notification shall be made to the law enforcement agency having jurisdiction and the County Welfare Office. The District Attorney's office shall also be notified in all instances of known or suspected child abuse or neglect reported to the HCPD (Penal Code § 11166).

- (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, shall be reported to the County Welfare Office pursuant to Penal Code § 11165.2, but should also be reported to the District Attorney.
- (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, shall be reported to the County Welfare Office pursuant to Penal Code § 11165.13.

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), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code § 11166.1; Penal Code § 11166.2).

For purposes of notification, the 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 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

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include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer.

307.3.2 NOTIFICATION PROCEDURE

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

- (a) When the member is making an initial notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone.
 - 2. A written follow-up mandated report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
- (b) When the HCPD is making notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
 - 2. A written report shall be forwarded 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.

307.3.3 EMERGENCY REMOVAL

An officer may take temporary custody of a minor without a warrant when the officer reasonably believes that the minor (Welfare and Institutions Code § 300; Welfare and Institutions Code § 305):

- (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) The minor is left unattended, posing an immediate threat to the minor's health or safety.
 - 1. Officers shall 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 Office shall be contacted to assume custody of the minor.
- (e) The minor is in the hospital and release to the parent poses an immediate threat to the minor's health or safety.
- (f) The minor is a dependent of the juvenile court and the officer reasonably believes that the juvenile has violated an order of the court.

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- (g) That the minor 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.

307.4 ELDER AND ADULT DEPENDENT ABUSE

307.4.1 NOTIFICATION

Members of this department who are mandated reporters of elder or dependent adult abuse pursuant to Welfare and Institutions Code § 15630 shall notify the county adult protective services agency 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).

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 based upon where the abuse took place (e.g., care facility, hospital) (Welfare and Institutions Code § 15630).

307.4.2 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 written report shall be forwarded within two working days.

307.5 DOCUMENTATION

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

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307.6 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).