

COUNTY OF HUMBOLDT
DEPARTMENT OF HEALTH AND HUMAN SERVICES
BEHAVIORAL HEALTH

POLICY NO. : 0100.300	POLICY TITLE: SUSPECTED CHILD ABUSE AND NEGLECT REPORTING	EFFECTIVE DATE: 06/01/94
PROGRAM:	ADMINISTRATION	REVISION DATES: 10/31/05, 01/08/10
AFFECTS:	ALL	REVIEW DATES: 3/8/11, 07/14/14, 09/09/14, 9/13/17
APPROVED BY BEHAVIORAL HEALTH DIRECTOR: Signature on File		

PURPOSE To ensure that suspected child abuse or neglect is reported in accordance with Child Abuse and Neglect Reporting Act, California Penal Code sections 11164-11174.3.

DEFINITION(S)

Child: means any person under age 18.

Child Abuse or Neglect: See definition in [Pen. Code, §11165.6](#)

Mandated Reporter: See definition in [Pen. Code, §11165.7](#)

Reasonable Suspicion: See definition in [Pen. Code, §11166](#)

Sexual Abuse: See definition in [Pen. Code, §11165.1](#)

Severe Neglect: See definition in [Pen. Code, §11165.2](#)

General Neglect: See definition in [Pen. Code, §11165.2](#)

Willful Cruelty or Unjustifiable Punishment of a Child: See definition in [Pen. Code, §11165.4](#)

Unlawful Corporal Punishment or Injury: See definition in [Pen. Code, §11165.4](#)

POLICY Humboldt County Department of Health and Human Services – Behavioral Health (DHHS-BH) employees and volunteers comply with mandated reporting requirements. The purpose of this policy is to delineate the requirements of the Child Abuse and Neglect Reporting Act. ([Pen. Code, §§ 11164-11174.3.](#)) The Child Abuse and Neglect Reporting Act specifically exempts reporters from any liability if they make a good faith report of child abuse or neglect.

PROCEDURE

1. Reporting Requirements, Time Frames and Procedures for Mandated Reporters:
 - 1.1. Immediately or as soon as is practically possible, make a telephone report to Child Welfare Services at the Department of Health & Human Services at (707) 445-6180 or to a police or sheriff’s department. (This does not include a school district police or security department.) If you are unsure whether or not to report, you should call Child Welfare Services for consultation.
 - 1.2. The telephone report shall include:
 - 1.2.1. The name, business address, and telephone number of the person making the report.
 - 1.2.2. The capacity that makes the person a mandated reporter.

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- 1.2.3. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information.
 - 1.2.4. The child's name, address, present location, and if applicable, the child's school, grade, and class, if known.
 - 1.2.5. The names, addresses, and telephone numbers of the child's parents or guardians, if known.
 - 1.2.6. The name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child, if known.
 - 1.2.7. Information that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect.
 - 1.3. You must file a written report to the agency you made the telephonic report to within **36 hours** using the Suspected Child Abuse Report Form. (Pen. Code § 11166.)
 - 1.3.1. The written report shall include:
 - 1.3.1.1. The name, business address, and telephone number of the person making the report.
 - 1.3.1.2. The capacity that makes the person a mandated reporter.
 - 1.3.1.3. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information.
 - 1.3.1.4. The child's name, address, present location, and if applicable, the child's school, grade, and class, if known.
 - 1.3.1.5. The names, addresses, and telephone numbers of the child's parents or guardians, if known.
 - 1.3.1.6. The name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child, if known.
 - 1.4. Information that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect. The report is to be made even when information provided is incomplete or uncertain to the mandated reporter.
 - 1.5. The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident.
 - 1.6. If an individual less than 18 years of age reports abuse that transpired when he or she was a young child, such abuse must also be reported.
 - 1.7. Parental consent is not required prior to filling a Child Abuse Report. Good professional judgment should be used in deciding whether to tell the parents/guardians that a report has been made. The safety of the child should be taken into consideration as well as maintaining a treatment alliance.
2. Other Considerations:
- 2.1. When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any staff member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Pen. Code §11166.)
 - 2.2. The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report.
 - 2.3. In obtaining information for the Suspected Child Abuse report, communication with the child and/or other individuals involved in providing information, the reporter will attempt to communicate in that person's primary language.
 - 2.4. The mandatory reports required by law are themselves confidential and may be disclosed only to specifically authorized persons or agencies as required or permitted by law. (Pen. Code § 11167.5, subd. (b).) The identity of all persons who report known or suspected child abuse shall be confidential and disclosed only among agencies or persons as required or permitted by law. (Pen. Code § 11167, subd. (d) (1).) Any violation of confidentiality required by the Child Abuse and Neglect Reporting Act is a misdemeanor punishable by
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- imprisonment in a county jail not to exceed six months, by a fine of five hundred dollars (\$500) or by both. (Pen. Code §11167.5, subd. (a).)
- 2.5. The legislature finds that even though it has provided immunity from liability to persons required to report child abuse, that immunity does not eliminate the possibility that actions may be brought against those persons based upon required reports of child abuse. A mandated reporter may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney's fees and costs incurred in any action against that person on the basis of making a report required or authorized by the Child Abuse and Neglect Reporting Act if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person, or if he or she prevails in the action. The California Victim Compensation and Government Claims Board shall allow that claim if the requirements of Penal Code section 11172 are met, and the claim shall be paid from an appropriation to be made for that purpose. Attorney's fees awarded pursuant to Penal Code section 11172 shall not exceed an hourly rate greater than the rate charged by the Attorney General of the State of California at the time the award is made and shall not exceed an aggregate amount of fifty thousand dollars (\$50,000).
- 2.6. Any mandated reporter failing to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or both.
- 2.7. Any violation of the confidentiality of the reports shall be a misdemeanor punishable by up to six (6) months in jail or by a fine of five hundred dollars (\$500) or by both.
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FORM(S)/
ATTACHMENTS

[Suspected Child Abuse and Neglect Form](#)

REFERENCE

[Child Abuse and Neglect Reporting Act, Pen. Code, §§ 11164-11174.3](#)
