



Approved by Joe Sbranti
City Manager

MANDATED REPORTERS

1. PURPOSE

Under California law, there are two statutory schemes that designate certain individuals to be "mandated reporters:" the "Child Abuse and Neglect Reporting Act" (Penal Code §§11164 *et seq.*), and the "Elder Abuse and Dependent Adult Civil Protection Act" (Welfare and Institutions Code §§15600 *et seq.*).

A mandated reporter is an individual who is obligated by state law to report known or suspected cases of child, elder or dependent adult abuse and neglect to any law enforcement agency, child protective or welfare services agency.

Certain categories of City employees fall under the definition of "mandated reporter." Therefore, this administrative order shall serve to address the requirements of the law, including identifying the reporting procedures for employees to follow when reporting cases of suspected child, elder or dependent adult abuse. This directive shall also address the recommended procedures for City employees, volunteers, and independent contractors who are not considered legal mandated reporters.

Imminent Harm/Danger – Call 911. Regardless of any mandated reporting duties imposed under the law or by this directive, it should be noted that if a City employee suspects or believes that a child, dependent adult or elder is in imminent harm, faces immediate physical danger, or is in a life-threatening situation, City employees should immediately contact the Police Department by calling 911.

2. DEFINITIONS

2.1 "Child" means a person under the age of 18 years. [Penal Code §11165.]

2.2 "Child Abuse" or "Child Neglect" includes but is not limited to physical injury or death inflicted upon a child by another person (by other than accidental means) sexual abuse, assault or exploitation, neglect or maltreatment of a child by both acts or omissions on the part of the responsible person; failure to provide adequate nutrition, clothing, shelter or medical care, unlawful corporal punishment or injury, willful harming or injury of a child. [Penal Code §11165.6]

2.21 "Child Abuse" or "Child Neglect" does not include mutual affray between minors, or an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. [Penal Code §11165.6.]

2.3 "Dependent Adult" means a person between the ages of 18 and 64 years who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including but not limited to, persons who have physical

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or developmental disabilities, or whose physical or mental abilities have diminished because of age. [W & I Code §15610.23.]

- 2.4 "Elder" means any person 65 years of age or older.
- 2.5 "Elder Abuse" or "Dependent Adult Abuse" includes but is not limited to physical abuse and injury, abandonment, abduction, isolation, financial abuse or neglect.
- 2.5 "Emotional damage" is evidenced by states of being or behavior, including but not limited to, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others. [Penal Code §11166.05.]
- 2.6 "Mandated Reporter" for purposes of reporting child abuse or neglect generally includes all City employees who have direct contact or supervisory control over children and children programs.

State law (Penal Code §11165.7) includes an extensive list of categories of employment for mandated reporters. The following positions are excerpts from that list, as the positions would apply to City employees and programs:

- Teacher
- Instructional Aide
- An administrator of a day camp
- An administrator or employee of a youth recreation program or youth organization
- An administrator or employee whose duties require direct contact and supervision of children
- An administrator or employee of a licensed community care or child day care facility
- Athletic coaches employed by a private or public school
- Peace Officer
- All employees of the Police Department, sworn or non-sworn

2.61 "Mandated Reporter" for purposes of reporting elder or dependent adult abuse or neglect includes any licensed City employee who provides care or services for elder or dependent adults, including administrators and supervisors of said programs. [W & I Code §15630(a).]

2.61.1 All employees of the Police Department (sworn and non-sworn) are considered "mandated reporters" for purposes of reporting elder and dependent adult abuse. [W&I Code §15630(a).]

3. MANDATED REPORTER RESPONSIBILITIES FOR SUSPECTED CHILD ABUSE OR NEGLECT

3.1 Reporting Process. As required by state law, all mandated reporters who know of or reasonably suspect child abuse or neglect within the course and scope of their employment with the City must comply with the reporting process described below:

3.11 When it is objectively reasonable for a mandated reporter to suspect child abuse or neglect, in his or her professional capacity or within the scope of his or her employment, the mandated reporter must **immediately** or as soon as practical make an oral report by telephone to either of the following agencies:

3.11.1 The Police Department, by calling **911 or 925-646-2441**.

3.11.2 The Contra Costa County Child Welfare Services Agency (CPS) at **1-877-881-1116**.

3.11.3 If the mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as practical, submit by fax or electronic transmission a one-time automated written report on a form prescribed by the Department of Justice (Attachment A).

3.12 Within **36 hours** after making the oral report, the mandated reporter shall transmit, either by fax or electronically a written follow-up report (Attachment A) to the same agency who received the initial oral report. [Penal Code §11166.] **Pittsburg Police Department fax number is and Contra Costa County Child Welfare Services Agency (CPS) fax number is (925) 602-6980.**

3.13 A mandated reporter who has knowledge or who reasonably suspects that a child is suffering from severe emotional damage may but is not legally obligated to make a report to either the Police Department or the Contra Costa County Child Welfare Services. [Penal Code §11166.05.]

3.2 Individual Duty to Report. A mandated reporter has an individual duty to report suspected child abuse or neglect. This duty cannot be passed off to another employee or to a supervisor and the duty to report is not excused by a supervisor's opinion that a report is not necessary. [Penal Code §11166(i)(1).]

3.3 Designated Reporter. When two or more mandated reporters become aware of a known or suspected instance of abuse or neglect, they may, by mutual agreement, designate one of themselves to make the required oral and/or written report. However, if a mandated reporter becomes aware that the designated individual failed to report, then he or she must make the report. [Penal Code § 11166(h).]

3.4 Supervisor's Duties. A supervisor shall not impede or inhibit reporting by a mandated reporter, and may not impose disciplinary action against the reporter for making a report. A supervisor who impedes, inhibits a mandated report, or imposes disciplinary

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action against a reporter may be subject to criminal liability. [Penal Code §§11166(i)(1) and 11166.01.]

3.5 No Duty to Investigate. A mandated reporter should not conduct any investigation of suspected child abuse or neglect.

3.6 Notification to City/Police of Report. Although not legally required, mandated reporters who make a report about suspected abuse and neglect are strongly encouraged to notify his or her Department Director, the Human Resources Department, or the City Attorney's Office. Mandated reporters are also encouraged to notify the Pittsburg Police Department any time a mandatory report is made to another agency, including another law enforcement agency.

3.61 Identity May Remain Confidential. However, nothing in this administrative directive shall require any employee who is required to make reports to disclose his or her identity to the City. [Penal Code § 11166(i)(2).]

3.62 Recordkeeping. Mandated reporters should retain a copy of the submitted written mandated report and fax confirmation (if faxed). In addition, the City recommends that an "incident report" be completed by the mandated reporter of the event, unless the mandated reporter wishes to remain anonymous.

3.7 Volunteers and Independent Contractors. By law, City volunteers and independent contractors whose duties require direct contact with and supervision of children are not included as City mandated reporters under Penal Code §11165.7; however, by this directive, the City shall encourage that its volunteers and independent contractors be trained on recognizing instances of abuse or neglect, and to make reports of suspected abuse and neglect as provided for in this directive.

3.8 Facility Renters/User Groups. The City shall also require its facility renters and facility user groups (including but not limited to soccer, baseball, softball, swimming and other sports teams and activities) to adhere to the applicable mandated reporter laws and be responsible for appropriate training of their respective employees and staff.

3.9 Interim Employees. Any City employee who is appointed or employed on an interim or temporary basis in any of the positions listed in Section 2.6 above is considered a "mandated reporter" for purposes of this directive.

**4. MANDATED REPORTER RESPONSIBILITIES FOR SUSPECTED ELDER OR
DEPENDENT ADULT ABUSE OR NEGLECT**

4.1 Police Employees as Mandated Reporters. Any employee of the Police Department (sworn and non-sworn) is deemed to be a mandated reporter [W & I Code §15630].

4.2 City Employees. Although not legally required to report, all City employees who work with elder or dependent adults are encouraged to report suspected neglect and abuse to their supervisor, to the Police Department, or to the appropriate social services agency as described below in subsection 4.3.

4.21 Volunteers and Independent Contractors. All independent contractors, volunteers that work in City programs, and reserve officers are also encouraged to report suspected cases of neglect and abuse to their supervisors, the Police Department, or the appropriate social services agency as described below in subsection 4.3.

4.3 Reporting Procedures. The appropriate reporting agency for elder and dependent adult abuse depends on the location in which the abuse occurred, not the location in which it was discovered. [W & I §15630.]

All mandated reporters who know of or reasonably suspect elder or dependent adult abuse or neglect must comply with the following reporting procedures:

4.31 If the suspected abuse or neglect is from services from a long-term care or adult day health care center:

4.31.1 The mandated reporter must **immediately**, or as soon as practical, telephone the Police Department by calling **911**, or contact dispatch at **(925) 646-2441**. [W & I §5630(b)(1)(A).]

4.31.2 A written report (Attachment B) must be submitted within **two working days** after the oral report to the local Ombudsman program. 4.32.1 The mandated reporter must **immediately**, or as soon as practical, make a telephone report to the County's Adult Protective Services at **(925) 646-2854**.

4.32 A written report (Attachment B) must be submitted within **two working days** after the oral report to Adult Protective Services.

4.4 Facility Renters/User Groups. The City shall also require its facility renters and facility user groups to adhere to the applicable mandated reporter laws and be responsible for appropriate training of their respective employees and staff.

5. ACKNOWLEDGMENT OF POSITION; TRAINING

5.1 Acknowledgment. Upon employment or retention by the City of an individual who is determined to be a mandated reporter in connection with the law and this directive, the individual shall sign an acknowledgement (Attachment C) which states that the individual is aware of the mandated reporter requirements under Penal Code § 11166.

5.11 The original signed acknowledgement form shall be retained by the responsible department if a volunteer or shall be placed in the employee's personnel file.

5.2 Training. The City shall be responsible for providing periodic training to staff as necessary for identifying potential indicators of abuse and neglect to children, elders or dependent abuse.

6. CONTENTS AND DISCLOSURE OF MANDATED REPORTER REPORT

6.1 Contents of Report Re Suspected Child Abuse/Neglect. Reports of suspected abuse or neglect of a child, dependent adult or elder shall be made on the form attached as Attachment A and shall include the following:

- Name, business address, telephone number and City position/title of mandated reporter;
- The information that gave rise to the reasonable suspicion of abuse and neglect and the source(s) of that information;
- If known, the child's name, elder's name, or adult dependent's name, address and telephone number, school, grade or class, the telephone number and addresses of parents/guardians;
- If known, other relevant personal information about the person(s) who might have abused or neglected the child, elder or dependent adult.

6.2 Contents of Report Re Suspected Elder/Dependent Abuse or Neglect. Information relevant to the incident or report of abuse and neglect of either a child, elder or adult dependent may be given to an investigator from an agency that is investigating the suspected case of abuse or neglect on the form attached as Attachment B.

6.3 Confidentiality. The report and other pertinent information shall be considered confidential and may be given to the investigating licensing agency or the Police Department.

6.31 Any violation of the confidentiality of the report is punishable as a misdemeanor punishable by imprisonment not to exceed six months, a fine of \$500, or both. [Penal Code §11167.5 and W & I Code §15633.]

6.32 The identity of the mandated reporter shall be confidential and disclosed only among agencies receiving or investigating mandated reports.

6.32.1 No agency shall disclose the identity of any person who makes a mandated report to the City, except with the employee's consent or by court order. [Penal Code § 11167(d)(2).]

6.33 The mandated reporter should consult with the City Attorney's Office prior to disclosing any reports to another investigating agency or any other agency/party.

7. LIABILITY

- 7.1 Mandated reporters who report suspected cases of abuse or neglect are civilly and criminally immune from liability for making such reports. [Penal Code § 11172 and W & I Code § 15634.]

8. PENALTIES FOR FAILURE TO REPORT

- 8.1 Any mandated reporter who fails to make a report of suspected abuse and neglect shall be punished by not more than six months in a county jail, a fine of not more than one thousand dollars (\$1,000) or both. [Penal Code § 11166.01(a) and W & I Code § 15630(h).]
- 8.2 Any mandated reporter who willfully fails to report abuse or neglect, impedes or inhibits a report of abuse or neglect, where that abuse or neglect results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand (\$5,000) or both. [Penal Code § 11166.01(b) and W & I Code § 15630(h).]

9. FORMS

- Attachment A: Form SS 8572 "Suspected Child Abuse Report" (with instructions)
Attachment B: Form SOC 341 "Report of Suspected Dependent Adult/Elder Abuse" (with instructions)
Attachment C: Acknowledgment of Mandated Reporting Requirements (with Penal Codes)

Print

SUSPECTED CHILD ABUSE REPORT

Reset Form

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

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

A.	REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY					
		REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS			Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO			
		REPORTER'S TELEPHONE (DAYTIME) ()		SIGNATURE		TODAY'S DATE					
B.	REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY							
		<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		ADDRESS		Street	City	Zip	DATE/TIME OF PHONE CALL		
		OFFICIAL CONTACTED - TITLE					TELEPHONE ()				
C.	VICTIM	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
		ADDRESS			Street	City	Zip	TELEPHONE ()			
		PRESENT LOCATION OF VICTIM			SCHOOL		CLASS	GRADE			
		PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)			PRIMARY LANGUAGE SPOKEN IN HOME				
		IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME			TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)					
		RELATIONSHIP TO SUSPECT			PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
D.	INVOLVED PARTIES	VICTIMS SIBLINGS									
		NAME		BIRTHDATE	SEX	ETHNICITY	NAME		BIRTHDATE	SEX	ETHNICITY
		1. _____		3. _____		2. _____		4. _____			
		NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
		ADDRESS			Street	City	Zip	HOME PHONE ()		BUSINESS PHONE ()	
		NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
		ADDRESS			Street	City	Zip	HOME PHONE ()		BUSINESS PHONE ()	
		SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
		ADDRESS			Street	City	Zip	TELEPHONE ()			
		OTHER RELEVANT INFORMATION									
E.	INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____									
		DATE / TIME OF INCIDENT			PLACE OF INCIDENT						
		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)									

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS

- **SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (Continued)

- **SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
- **SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
- **SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
- **SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

- **Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- **Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send **white copy** to police or sheriff's department, **blue copy** to county welfare or probation department, and **green copy** to district attorney's office.

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

Attachment B

CONFIDENTIAL REPORT - NOT SUBJECT TO PUBLIC DISCLOSURE

REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE

DATE COMPLETED:

TO BE COMPLETED BY REPORTING PARTY. PLEASE PRINT OR TYPE. SEE GENERAL INSTRUCTIONS.

A. VICTIM Check box if victim consents to disclosure of information [Ombudsman use only - WIC 15636(a)]

Form A: VICTIM. Fields include: *NAME (LAST NAME FIRST), *AGE, DATE OF BIRTH, SSN, GENDER (M/F), ETHNICITY, LANGUAGE (NON-VERBAL/ENGLISH/OTHER), *ADDRESS (IF FACILITY, INCLUDE NAME AND NOTIFY OMBUDSMAN), *CITY, *ZIP CODE, *TELEPHONE, *PRESENT LOCATION (IF DIFFERENT FROM ABOVE), *ELDERLY (65+), *DEVELOPMENTALLY DISABLED, *MENTALLY ILL/DISABLED, *PHYSICALLY DISABLED, *UNKNOWN/OTHER, *LIVES ALONE, *LIVES WITH OTHERS.

B. SUSPECTED ABUSER Check if Self-Neglect

Form B: SUSPECTED ABUSER. Fields include: NAME OF SUSPECTED ABUSER, CARE CUSTODIAN (type), PARENT, SON/DAUGHTER, OTHER, HEALTH PRACTITIONER (type), SPOUSE, OTHER RELATION, ADDRESS, *ZIP CODE, TELEPHONE, GENDER (M/F), ETHNICITY, AGE, D.O.B., HEIGHT, WEIGHT, EYES, HAIR.

C. REPORTING PARTY: Check appropriate box if reporting party waives confidentiality to: All, All but victim, All but perpetrator

Form C: REPORTING PARTY. Fields include: *NAME (PRINT), SIGNATURE, OCCUPATION, AGENCY/NAME OF BUSINESS, RELATION TO VICTIM/HOW KNOWS OF ABUSE, (STREET), (CITY), (ZIP CODE), (E-MAIL ADDRESS), TELEPHONE.

D. INCIDENT INFORMATION - Address where incident occurred:

Form D: INCIDENT INFORMATION. Fields include: *DATE/TIME OF INCIDENT(S), PLACE OF INCIDENT (OWN HOME, COMMUNITY CARE FACILITY, HOSPITAL/ACUTE CARE HOSPITAL, HOME OF ANOTHER, NURSING FACILITY/SWING BED, OTHER (Specify)).

E. REPORTED TYPES OF ABUSE CHECK ALL THAT APPLY.

Form E: REPORTED TYPES OF ABUSE. Section 1: PERPETRATED BY OTHERS (WIC 15610.07 & 15610.63). Section 2: SELF-NEGLECT (WIC 15610.57(b)(5)). ABUSE RESULTED IN (CHECK ALL THAT APPLY): NO PHYSICAL INJURY, MINOR MEDICAL CARE, HOSPITALIZATION, CARE PROVIDER REQUIRED, DEATH, MENTAL SUFFERING, OTHER (SPECIFY), UNKNOWN.

F. REPORTER'S OBSERVATIONS, BELIEFS, AND STATEMENTS BY VICTIM IF AVAILABLE. DOES ALLEGED PERPETRATOR STILL HAVE ACCESS TO THE VICTIM? PROVIDE ANY KNOWN TIME FRAME (2 days, 1 week, ongoing, etc.). LIST ANY POTENTIAL DANGER FOR INVESTIGATOR (animals, weapons, communicable diseases, etc.). CHECK IF MEDICAL, FINANCIAL, PHOTOGRAPHS OR OTHER SUPPLEMENTAL INFORMATION IS ATTACHED.

G. TARGETED ACCOUNT

Form G: TARGETED ACCOUNT. Fields include: ACCOUNT NUMBER (LAST 4 DIGITS), TYPE OF ACCOUNT (DEPOSIT, CREDIT, OTHER), TRUST ACCOUNT (YES, NO), POWER OF ATTORNEY (YES, NO), DIRECT DEPOSIT (YES, NO), OTHER ACCOUNTS (YES, NO).

H. OTHER PERSON BELIEVED TO HAVE KNOWLEDGE OF ABUSE. (family, significant others, neighbors, medical providers and agencies involved, etc.)

Form H: OTHER PERSON BELIEVED TO HAVE KNOWLEDGE OF ABUSE. Fields include: NAME, ADDRESS, TELEPHONE NO., RELATIONSHIP.

I. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM'S CARE. (If unknown, list contact person).

Form I: FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM'S CARE. Fields include: *NAME, IF CONTACT PERSON ONLY CHECK, *RELATIONSHIP, *ADDRESS, *CITY, *ZIP CODE, *TELEPHONE.

J. TELEPHONE REPORT MADE TO: Local APS, Local Law Enforcement, Local Ombudsman, Calif. Dept. of Mental Health, Calif. Dept. of Developmental Services

Form J: TELEPHONE REPORT MADE TO. Fields include: NAME OF OFFICIAL CONTACTED BY PHONE, *TELEPHONE, DATE/TIME.

K. WRITTEN REPORT Enter information about the agency receiving this report. Do not submit report to California Department of Social Services Adult Programs Bureau.

Form K: WRITTEN REPORT. Fields include: AGENCY NAME, ADDRESS OR FAX #, Date Mailed, Date Faxed.

L. RECEIVING AGENCY USE ONLY Telephone Report, Written Report

Form L: RECEIVING AGENCY USE ONLY. Fields include: 1. Report Received by: Date/Time; 2. Assigned (Immediate Response, Ten-day Response, No Initial Face-To-Face Required, Not APS, Not Ombudsman); Approved by: Assigned to (optional); 3. Cross-Reported to: CDHS, Licensing & Cert., CDSS-CCL, CDA Ombudsman, Bureau of Medi-Cal Fraud & Elder Abuse, Mental Health, Law Enforcement, Professional Board, Developmental Services, APS, Other (Specify); Date of Cross-Report; 4. APS/Ombudsman/Law Enforcement Case File Number.

REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE GENERAL INSTRUCTIONS

PURPOSE OF FORM

This form, as adopted by the California Department of Social Services (CDSS), is required under Welfare and Institutions Code (WIC) Sections 15630 and 15658(a)(1). This form documents the information given by the reporting party on the suspected incident of abuse of an elder or dependent adult. "Elder," means any person residing in this state who is 65 years of age or older (WIC Section 15610.27). "Dependent Adult," means any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age (WIC Section 15610.23). Dependent adult includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility (defined in the Health and Safety Code Sections 1250, 1250.2, and 1250.3).

COMPLETION OF THE FORM

1. This form may be used by the receiving agency to record information through a telephone report of suspected dependent adult/elder abuse. Complete items with an asterisk (*) when a telephone report of suspected abuse is received as required by statute and the California Department of Social Services.
2. If any item of information is unknown, enter "unknown."
3. Item A: Check box to indicate if the victim waives confidentiality.
4. Item C: Check box if the reporting party waives confidentiality. Please note that mandated reporters are required to disclose their names, however, non-mandated reporters may report anonymously.

REPORTING RESPONSIBILITIES

Mandated reporters (see definition below under "Reporting Party Definitions") shall complete this form for each report of a known or suspected instance of abuse (physical abuse, sexual abuse, financial abuse, abduction, neglect, (self-neglect), isolation, and abandonment (see definitions in WIC Section 15610) involving an elder or a dependent adult. **The original of this report shall be submitted within two (2) working days of making the telephone report to the responsible agency as identified below:**

- The county Adult Protective Services (APS) agency or the local law enforcement agency (if abuse occurred in a private residence, apartment, hotel or motel, or homeless shelter).
- Long-Term Care Ombudsman (LTCO) program or the local law enforcement agency (if abuse occurred in a nursing home, adult residential facility, adult day program, residential care facility for the elderly, or adult day health care center).
- The California Department of Mental Health or the local law enforcement agency (if abuse occurred in Metropolitan State Hospital, Atascadero State Hospital, Napa State Hospital, or Patton State Hospital).
- The California Department of Developmental Services or the local law enforcement agency (if abuse occurred in Sonoma Developmental Center, Lanterman Developmental Center, Porterville Developmental Center, Fairview Developmental Center, or Agnews Developmental Center).

WHAT TO REPORT

Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment has observed, suspects, or has knowledge of an incident that reasonably appears to be physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect), or is told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse, abandonment, isolation, financial abuse, abduction, or neglect, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days to the appropriate agency.

REPORTING PARTY DEFINITIONS

Mandated Reporters (WIC) "15630 (a) Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter."

Care Custodian (WIC) "15610.17 'Care custodian' means an administrator or an employee of any of the following public or private facilities or agencies, or persons providing care or services for elders or dependent adults, including members of the support staff and maintenance staff: (a) Twenty-four-hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. (b) Clinics. (c) Home health agencies. (d) Agencies providing publicly funded in-home supportive services, nutrition services, or other home and community-based support services. (e) Adult day health care centers and adult day care. (f) Secondary schools that serve 18- to 22-year-old dependent adults and postsecondary educational institutions that serve dependent adults or elders. (g) Independent living centers. (h) Camps. (i) Alzheimer's Disease Day Care Resource Centers. (j) Community care facilities, as defined in Section 1502 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code. (k) Respite care facilities. (l) Foster homes. (m) Vocational rehabilitation facilities and work activity centers. (n) Designated area agencies on aging. (o) Regional centers for persons with developmental disabilities. (p) State Department of Social Services and State Department of Health Services licensing divisions. (q) County welfare departments. (r) Offices of patients' rights advocates and clients' rights advocates, including attorneys. (s) The Office of the State Long-Term Care Ombudsman. (t) Offices of public conservators, public guardians, and court investigators. (u) Any protection or advocacy

GENERAL INSTRUCTIONS (Continued)

agency or entity that is designated by the Governor to fulfill the requirements and assurances of the following: (1) The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with developmental disabilities. (2) The Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, for the protection and advocacy of the rights of persons with mental illness. (v) Humane societies and animal control agencies. (w) Fire departments. (x) Offices of environmental health and building code enforcement. (y) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders or dependent adults."

Health Practitioner (WIC) "15610.37 'Health practitioner' means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage, family, and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family, and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code, state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner."

Officers and Employees of Financial Institutions (WIC) "15630.1. (a) As used in this section, "mandated reporter of suspected financial abuse of an elder or dependent adult" means all officers and employees of financial institutions. (b) As used in this section, the term "financial institution" means any of the following: (1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1813(c)). (2) An institution-affiliated party, as defined in Section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1813(u)). (3) A federal credit union or state credit union, as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. Sec. 1752), including, but not limited to, an institution-affiliated party of a credit union, as defined in Section 206(r) of the Federal Credit Union Act (12 U.S.C. Sec. 1786 (r)). (c) As used in this section, "financial abuse" has the same meaning as in Section 15610.30. (d)(1) Any mandated reporter of suspected financial abuse of an elder or dependent adult who has direct contact with the elder or dependent adult or who reviews or approves the elder or dependent adult's financial documents, records, or transactions, in connection with providing financial services with respect to an elder or dependent adult, and who, within the scope of his or her employment or professional practice, has observed or has knowledge of an incident that is directly related to the transaction or matter that is within that scope of employment or professional practice, that reasonably appears to be financial abuse, or who reasonably suspects that abuse, based solely on the information before him or her at the time of reviewing or approving the document, records, or transaction in the case of mandated reporters who do not have direct contact with the elder or dependent adult, shall report the known or suspected instance of financial abuse by telephone immediately, or as soon as practicably possible, and by written report sent within two working days to the local adult protective services agency or the local law enforcement agency."

MULTIPLE REPORTERS

When two or more mandated reporters are jointly knowledgeable of a suspected instance of abuse of a dependent adult or elder, and when there is agreement among them, the telephone report may be made by one member of the group. Also, a single written report may be completed by that member of the group. Any person of that group, who believes the report was not submitted, shall submit the report.

IDENTITY OF THE REPORTER

The identity of all persons who report under WIC Chapter 11 shall be confidential and disclosed only among APS agencies, local law enforcement agencies, LTCO coordinators, California State Attorney General Bureau of Medi-Cal Fraud and Elder Abuse, licensing agencies or their counsel, Department of Consumer Affairs Investigators (who investigate elder and dependent adult abuse), the county District Attorney, the Probate Court, and the Public Guardian. Confidentiality may be waived by the reporter or by court order.

FAILURE TO REPORT

Failure to report by mandated reporters (as defined under "Reporting Party Definitions") any suspected incidents of physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect) of an elder or a dependent adult is a misdemeanor, punishable by not more than six months in the county jail, or by a fine of not more than \$1,000, or by both imprisonment and fine. Any mandated reporter who willfully fails to report abuse of an elder or a dependent adult, where the abuse results in death or great bodily injury, may be punished by up to one year in the county jail, or by a fine of up to \$5,000, or by both imprisonment and fine.

Officers or employees of financial institutions (defined under "Reporting Party Definitions") are mandated reporters of financial abuse (effective January 1, 2007). These mandated reporters who fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$1,000. Individuals who willfully fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$5,000. These civil penalties shall be paid by the financial institution, which is the employer of the mandated reporter to the party bringing the action.

GENERAL INSTRUCTIONS (Continued)

EXCEPTIONS TO REPORTING

Per WIC Section 15630(b)(3)(A), a mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report a suspected incident of abuse where all of the following conditions exist:

- (1) The mandated reporter has been told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect).
- (2) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.
- (3) The elder or the dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.
- (4) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

Per WIC Section 15630(b)(4)(A), in a long-term care facility, a mandated reporter who the California Department of Health Services determines, upon approval by the Bureau of Medi-Cal Fraud and the Office of the State Long-Term Care Ombudsman (OSLTCO), has access to plans of care and has the training and experience to determine whether all the conditions specified below have been met, shall not be required to report the suspected incident of abuse:

- (1) The mandated reporter is aware that there is a proper plan of care.
- (2) The mandated reporter is aware that the plan of care was properly provided and executed.
- (3) A physical, mental, or medical injury occurred as a result of care pursuant to clause (1) or (2).
- (4) The mandated reporter reasonably believes that the injury was not the result of abuse.

DISTRIBUTION OF SOC 341 COPIES

Mandated reporter: After making the telephone report to the appropriate agency, the reporter shall send the original and one copy to the agency; keep one copy for the reporter's file.

Receiving agency: Place the original copy in the case file. Send a copy to a cross-reporting agency, if applicable.

DO NOT SEND A COPY TO THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADULT PROGRAMS BUREAU.



CITY OF PITTSBURG

ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS AND LEGAL DUTY TO REPORT CHILD ABUSE OR NEGLECT

California law **requires** certain persons who work with children to report known or suspected child abuse and neglect. These individuals are known under the law as “mandated reporters” and include child care workers, teachers, and coaches. California Penal Code §11166.5(a) requires that all mandated reporters of child abuse and neglect to sign an acknowledgement of their legal duties and that the City retain the signed acknowledgement as part of the mandated reporter’s personnel record. Your position is designated as a mandated reporter.

When Reporting Abuse is Required:

As a mandated reporter, whenever you, in your professional capacity or within the scope of your employment, reasonably suspect a child to be the victim of child abuse or neglect, you must report the suspected abuse and neglect. Abuse and neglect include observations of:

- Physical abuse
- Sexual abuse
- Child exploitation, child pornography and child prostitution
- Neglect, such as in the failure to provide adequate nutrition, clothing, shelter or medical care
- Extreme corporal punishment resulting in injury
- Willful cruelty or unjustifiable punishment

A mandated reporter may make, but is not legally required to make, a report of suspected emotional damage.

How to Make the Report:

There are **two steps** in the reporting process. First, a telephone report must be made immediately to either the Police Department or county welfare department. Second, a written report, made on the approved form, must be sent within **36 hours** after the telephone report has been made.

To Whom Do You Report:

By law, you may report to the Police Department, Sheriff’s Department, or child welfare agencies. The City encourages you to also report to the Pittsburg Police Department if a report is made to a child welfare agency or to another law enforcement agency, as well as notifying your supervisor.

Individual Responsibility:

A mandated reporter is individually responsible to report suspected child abuse or neglect. Two or more mandated reporters may, by mutual agreement, designate one of themselves to make the report. However, if the mandated reporter becomes aware that the other designated individual failed to report, (even if the other designated individual is a supervisor), then he or she must make the report.

Confidentiality:

Mandated reporters are to remain confidential and shall only be disclosed to appropriate investigating agencies. All mandated reporters are required to disclose their names in the report. However, child protective agencies are required to keep the mandated reporter's name confidential, unless a court orders the information disclosed.

As a mandated reporter, you are not required to, but may share information suspected as abuse and neglect with your supervisor, manager or department director.

Immunity:

All mandated reporters are civilly and criminally immune from liability as a result of making a report. No individual may be dismissed, disciplined or harassed for making a report of suspected child abuse or neglect. The penalty for failing to report is up to six months in county jail, a fine of more than \$1000 or both. Mandated reporters may also be held civilly liable for damages for a failure to report suspected abuse and neglect.

Acknowledgement:

By signing below, I acknowledge the following:

- Under California Penal Code Section 11165.7, I am a mandated reporter of child abuse and neglect. As a mandated reporter, I understand that **I have a legal obligation to report child abuse and neglect** and will comply with the law.
- I have been provided with copies of California Penal Code Sections 11165.7, 11166 and 11167.
- I have been provided with a copy of the City's Administrative Order No. 59 "*Mandated Reporters*".
- I understand that this signed Acknowledgement will be retained in my personnel file.

Signature

Date

Print Name

Department

MANDATED REPORTER STATUTES

Penal Code Section 11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:

(1) A teacher.

(2) An instructional aide.

(3) A teacher's aide or teacher's assistant employed by a public or private school.

(4) A classified employee of a public school.

(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.

(6) An administrator of a public or private day camp.

(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.

(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.

(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.

(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.

(11) A Head Start program teacher.

(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.

(13) A public assistance worker.

(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.

(15) A social worker, probation officer, or parole officer.

(16) An employee of a school district police or security department.

(17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.

(18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.

(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.

(20) A firefighter, except for volunteer firefighters.

(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) A clinical counselor intern registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or

computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

Penal Code Section 11166.

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 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 an initial report by

telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any no privileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "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 or 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. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written follow-up report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written follow-up report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section 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 by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "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, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall,

immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written follow-up report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or material are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written follow-up report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumb drive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) 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 member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) 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. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

Penal Code Section 11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present

location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

(e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.

(f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.