

CITY OF EUREKA

Category: PERSONNEL

POLICIES & PROCEDURES

Subject: STATE MANDATED REPORTER
REQUIREMENTS FOR CHILD
ABUSE

Date Adopted: July 20, 2004

File 3.99
Number

POLICY OBJECTIVE

California Penal Code Section(s) 11164 to 11174.4 are entitled “The Child Abuse and Neglect Reporting Act”. The purpose of this policy is to designate City positions identified in the Penal Code as Mandated Reporters, create training requirements for each mandated reporter, and identify the procedures for employees and volunteers to follow when reporting cases of suspected child abuse.

ASSIGNED RESPONSIBILITY

All positions identified as state mandated reporters as defined by California Penal Code Section 11165.

APPLICABILITY

Reporting requirements and guidelines are applicable to all City employees and volunteers who have been identified as state mandated reporters as defined in California Penal Code Section 11165.

Notification to and training of identified state mandated reporters is applicable to each City employee who is a supervisor or Department Head of state mandated reporters.

DEFINITIONS

Mandated Reporters – California Penal Code Section 11165.7 identifies positions/functions within organizations that are mandated reporters. The following is a selected list of positions identified as mandated reporters that are likely to be found in the City of Eureka (See Attachment “A” for the text of 11165.7):

- (1) A teacher (i.e., instructors).
- (2) An instructional aide.
- (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.
- (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.

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

PROCEDURES

Employee Notification -

Employees who are mandated reporters must:

- a) be advised their position/function has been identified as a mandated reporter;
- b) be provided with guidelines and instructions for the identification and reporting of child abuse; and
- c) sign a "Receipt and Acknowledgement of Child Abuse Reporting Requirements" form or other appropriate form(s).

All new employees hired into and volunteers in positions that are designated by the Penal Code or by the agency as mandated reporters will be provided with all of the above upon commencement of their employment.

Regular Full-time and Regular Part-time positions which have been identified as mandated reporters will receive notification and training from the Personnel Department as part of their employee orientation training. This will include obtaining the required employee signature on the "Receipt and Acknowledgement of Child Abuse Reporting Requirements" form, or other appropriate form(s), which shall be retained in the employee's official personnel file.

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Department Heads/Supervisors will be responsible for providing ongoing refresher training to Regular Full-time and Regular Part-time positions after their initial hire and will be responsible for notification and training to temporary and volunteer positions which have been identified as mandated reporters. This will include obtaining the required employee signature on the "Receipt and Acknowledgement of Child Abuse Reporting Requirements" form, or other appropriate form(s). The original shall be forwarded to the Personnel Department to be retained in the employee's official personnel file.

Reporting Abuse –

Each mandated reporter shall first attempt to report known or suspected child abuse by telephone to the child protective agency immediately or as soon as practically possible. If the mandated reporter is unable to make contact with the child protective agency, the telephone report shall be made to local law enforcement. The call must be followed within 36 hours by a written report to the agency to which the telephone report was made. This report must be made on the appropriate form(s) required by the Department of Justice.

The child care custodian/mandated reporter has the individual responsibility to report when he/she receives first-hand information or has the initial contact with the child when a concern arises. The reporting responsibility shall not be passed off to another employee or supervisor.

The reporter is not the investigator. That is the responsibility of Child Welfare Services (CWS) or the local police department. If the child care custodian/mandated reporter "suspects" or knows of child abuse, he/she must take action, without delay.

Unless otherwise provided for in law, the following procedures will be followed regarding the reporting of child abuse:

1. All incidents of known or suspected child abuse are to be reported as soon as possible to the Department Head or his/her designee.
2. Contact immediately, by telephone, the **County of Humboldt's Child Welfare Services (CWS) at 445-6180** (available 24 hours) OR the local police of the jurisdiction in which the suspected abuse occurred: **Eureka Police Department at 441-4044; Humboldt County Sheriff's Department at 445-7251; the Arcata Police Department at 822-2424; or the Fortuna Police Department at 725-7550.** If there is a child endangerment situation, local police should be involved immediately.

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3. A written report must be submitted to CWS or local law enforcement (the agency to which the telephone report was made) within 36 hours of reporting the incident by telephone. This report is to be supplied on the appropriate Department of Justice form in effect at the time (currently DOJ SS 8572). A current version of this form will be available from each affected department, from the Personnel Department and from CWS or local law enforcement. Instructions on how to fill out the form will have been previously provided in the orientation materials mentioned earlier in this policy and are also on the form. This report should include full details, even those that are graphic. Thoroughness may have much to do with how the incident is interpreted by CWS or local law enforcement.

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ATTACHMENT "A"

CALIFORNIA 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 any public or private school.
- (4) A classified employee of any public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any 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) Any employee of a county office of education or the California 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 headstart 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) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any 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, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor,

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clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) Any 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, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage, family, and child 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 any other person who performs autopsies.

(29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other 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 any 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 any 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 (c) 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 (c) of Section 11166.

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

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(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.

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

(b) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.

(c) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of that training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.

(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) The absence of training shall not excuse a mandated reporter from the duties imposed by this article.