

## California Mandated Reporting Requirements for Abuse

**This training was created as a reminder to all employees and contracted providers that California law requires mandatory reporting of known or suspected:** Child abuse and neglect, Elder and dependent adult abuse and Domestic violence

***Mandated Reporters*** are legally responsible to report the incident themselves.

They are not required to investigate any known or suspected case of abuse.

All licensed healthcare professionals, including but not limited to:

- Physicians
- Nurses
- Mental Health Professionals
- EMTs, paramedics, medical examiners
- ALL employees in a long-term health facility
- SWs, M&F counselors
- Child care custodians/Elder or dependent adult custodians
- Teachers
- Clergy
- Employee of a protective service or law enforcement agency

## **Failure to Report is a Crime**

Everyone who has knowledge of abuse should report; however designated professionals are required by law to report.

Failure to report is a misdemeanor crime punishable by up to six (6) months in jail and/or up to a \$1000 fine.

## **Child Abuse and Neglect**

The CA Penal code defines child abuse as a Physical Injury which is inflicted by other than accidental means on a child by another person. This also includes:

- Emotional abuse
- Sexual abuse (assault or exploitation) – Neglect
- Child abuse does not include:
  - Public fighting between minors
  - Reasonable & necessary force used by a peace officer
  - Spanking that is reasonable and age appropriate and does not expose the child to risk of serious injury
  - Any person, except a mandated reporter who reports child abuse, may remain anonymous.

Mandated Reporters are required to give their names and are provided unqualified immunity from civil liability.

## **How to Report Child Abuse**

- You must make a report immediately (or as soon as practically possible) by phone. A written report must be sent by fax or electronic submission within 36 hours of receiving the information regarding the incident. Written reports must be submitted on Department of Justice forms, which can be requested from your local child protective agencies. The report must be made to a county welfare department, police or sheriff's department or to a county probation department.
- [Form: SS 8572: Suspected Child Abuse Report & Instructions](#)
- To Report:
- LA County Child Protection Hotline: (800) 540-4000

- Orange County Domestic Violence Hotline – 714-940-1000 or 800-207-4464 (24-hour hotline);
- San Bernardino County Victim Service Center- (909) 384-9233
- Riverside County Dept of Social Services-Child Service Division (800) 442-4918
- Ventura County Child Protective Services (805) 654-3200

## **Elder & Dependent Adult Abuse**

Abuse of an elder or dependent adult is defined as the following:

- Physical abuse (includes sexual abuse)
- Neglect
- Financial abuse
- Abandonment, Isolation, Abduction
- Deprivation of goods or services that are necessary to avoid physical harm or mental suffering

If you are a Mandated Reporter you are required to report if you:

Witness an incident;

- Receive information or evidence, whether visual or audible;
- Or, an elder or dependent adult discloses an incident that appears to constitute abuse

All health practitioners and all employees in a long-term health care facility are mandated reporters.

A vast majority of individuals working with elder & dependent adults are excellent caregivers. Unfortunately, stress can lead to unintended actions by caregivers—actions that may result in abuse, neglect or mistreatment.

*California law requires each long-term health care facility, community care facility or residential care facility for the elderly to provide training and continuing education to all staff in recognizing and reporting abuse.*

## **How to Report Elder Abuse**

- Report the known or suspected instance of abuse by telephone or through a confidential Internet reporting tool, immediately or as soon as practically possible. If reported by telephone, a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool within two (2) working days.
- If the suspected abuse results in serious bodily injury, a telephone report shall be made to the local law enforcement agency immediately, but also no later than within two (2) hours.
- Form: [SOC 341: Report of Suspected Dependent Adult/Elder Abuse & Instructions](#)

To Report:

- LA County Adult Protective Services Elder Abuse Hotline: (877) 477-3646
- Orange County Elder & Dependent Abuse Reporting : (800) 451-5155
- San Bernardino Adult Protective Services- (877) 565-2020
- Riverside County Adult Protective Services (800) 491-7123
- Ventura County Adult Protective Services (805) 654-3200

**Domestic Violence**

**Penal Code Section 11160-11163.6**

- Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a victim of domestic violence, shall immediately make a report even if the patient denies abuse.
- There is no legal requirement to inform the patient of the report. However, ethically you should inform the patient of your obligation as a Mandatory Reporter. You must report whether or not the patient consents to a report.

- Reporting is not a substitute for thorough documentation in the medical record. The medical record is generally a more valuable source of documentation for legal cases and is critical to the patient's ongoing care. The record should include the following:

### **Medical Record Documentation**

Any comments by the injured person regarding past domestic violence and the name of the person who inflicted the injury. A map of the injured person's body showing and identifying injuries and bruises. A copy of the Reporting Form.

### **Obtaining Consent to Treat**

- The healthcare practitioner must obtain consent for the examination, treatment of injuries, collection of evidence, and photographing of injuries
- A victim shall be informed that he or she may refuse to consent to an examination for evidence of domestic violence and elder and dependent adult abuse and neglect, including the collection of physical evidence.
- Refusal is not a ground for denial of treatment of injuries and disease, if the person wishes to obtain treatment and consent thereto.
- Under CA law patients do not retain the right to refuse reporting.

### **How to Report Domestic Violence**

A **mandated reporter** is required to call the Police Department in the city where the incident occurred immediately or as soon as is practicable. Turn in a written report within 48 hours to the Police Department in the city where the incident occurred.

- [OCJP 920: Suspicious Injury Report Form & Instructions](#)

Resources for Victims of Domestic Violence for additional guidance:

- Los Angeles County Domestic Violence Hotline (800) 978-3600;

- Orange County Domestic Violence Hotline – (714) 992-1931 (24-hours);
- San Bernardino County Victim Service Center- (909) 387-6540
- Riverside County Domestic Violence Victim Services (909) 683-0829
- Ventura County Coalition to End Family Violence (800) 300-2181

### **Company Policy**

Anyone within the scope of his/her employment who has observed or has knowledge of an incident that reasonably appears to indicate abuse should inform their supervisor and report to the appropriate authority.