WHAT IS MANDATED REPORTING

All health care providers in California are required by law to report any suspected:

- Child abuse and neglect
- Elder and dependent adult abuse
- Domestic Violence/Intimate Partner Violence

Who are Mandated Reporters?

- Any person who is required by law to report a particular category or type of abuse to the appropriate law enforcement or social service agency.

Mandated Reporters are legally responsible to report the incident themselves. They are not required to investigate any known or suspected case of abuse.
MANDATED REPORTERS INCLUDE...

All licensed healthcare professionals, including but not limited to:
  • Physicians
  • Nurses, Nurse Practitioners
  • Mental Health Professional
  • EMTs, paramedics, medical examiners
  • All employees in long-term health facility

Social Workers, Marriage and Family Counselors
Child care custodians/ Elder or dependent adult custodians
Teachers
Clergy
Employee of a protective service or law enforcement agency
Commercial film & photographic print processors
FAILURE TO REPORT IS A CRIME

Everyone who is knowledgable 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 $1000 fine.
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 (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 and Instructions

Link to California Child Abuse Reporting Guide
https://www.cde.ca.gov/ls/ss/ap/childabuserreportingguide.asp

To Report:

Sonoma County: https://sonomacounty.ca.gov/Human-Services/Family-Youth-Children/Services/Child-Abuse/Current-Mandated-Reporters/

Butte County: https://www.buttecounty.net/dess/reportabuseorneglect

Stanislaus County: http://www.csa-stanislaus.com/childrens-services/
ELDER AND DEPENDENT ADULT ABUSE
WELFARE & INSTITUTION CODE SECTION 15630-15632- SENATE BILL 2199

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 and dependent adults are excellent caregivers. Unfortunately stress can lead to unintended actions by the caregivers — actions that may result in abuse, neglect or mistreatment.
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 generated 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 local law enforcement agency immediately, but also no later than two (2) hours.

Form: SOC 341: Report of Suspected Dependent Adult/Elder Abuse & Instructions

Website for Adult Protective Services: http://www.cdss.ca.gov/Adult-Protective-Services
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.
MEDICAL RECORD DOCUMENTATION

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:

- 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
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 consents.

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 practical. 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 and Instructions

Resources for Victims of Domestic Violence:
Sonoma County: https://www.sonomashериф.org/domestic-violence/
Butte County: http://www.catalystdvservices.org/resources
Stanislaus County: http://www.stancounty.com/dvcc/report.shtm
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