

Child Abuse Reporting

320.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth standards for when San Diego Probation Department employees are required to notify the county Child Welfare Services (CWS) of suspected child abuse.

320.2 APPLICABILITY

This section applies to all Departmental employees, volunteers, and contract agency staff.

320.3 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

320.4 POLICY

Probation Officers are mandated reporters of suspected child abuse as detailed in Penal Code Sections 11164, 11165, and 11166, and shall notify CWS of suspected child abuse. Probation Officers are protected by law when these reports are determined to be unfounded or unsubstantiated. Abuse may fall into one or more of four categories: physical, sexual, severe neglect, or mental/emotional.

320.5 MANDATORY NOTIFICATION

The child protection agency shall be notified when:

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between youth,

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nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

320.5.1 CWS NOTIFICATION

CWS is a division of the Health and Humans Service Agency (HHSA) which investigates reports of child abuse. When making a referral for suspected child abuse, Probation Officers are to always notify HHSA telephonically at 858-560-2191. Subsequent to the telephonic reporting, officers are to complete and submit a written report using form SS8572.

Notification should occur as follows:

- (a) Notification shall be made immediately or as soon as practicable by telephone followed by a fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident (by the end of the shift for employees assigned to Institutional Services).
- (c) Copies of all Child Abuse Reporting forms should be kept in the probation case file.