

BHS Policies and Procedures



City and County of San Francisco
 Department of Public Health
 San Francisco Health Network
 BEHAVIORAL HEALTH SERVICES

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POLICY/PROCEDURE REGARDING: **Special Situations Governing Release of Information under the Child Abuse and Neglect Reporting Act**

Issued By: Maximilian Rocha, LCSW
 Director of Systems of Care

DocuSigned by:

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Reference: Child Abuse and Neglect Reporting Act, California Penal Code §§ 11164-11174.3; California Penal Code §§ 236-237, 261-269, 285-289, 647.6; Code of Federal Regulations, Title 42, § 2.12 (6); BHS policy 1.04-4.

Substantive Revision. Replaces Policy 3.06-11 dated July 12, 2017.

Equity Statement:

The San Francisco Department of Public Health, Behavioral Health Services (BHS) is committed to leading with race and prioritizing Intersectionality, including sex, gender identity, sexual orientation, age, class, nationality, language, and ability. BHS strives to move forward on the continuum of becoming an anti-racist institution through dismantling racism, building solidarity among racial groups, and working towards becoming a Trauma-Informed/Trauma Healing Organization in partnership with staff, clients, communities, and our contractors. We are committed to ensuring that every policy or procedure, developed and implemented, lead with an equity and anti-racist lens. Our policies will provide the highest quality of care for our diverse clients. We are dedicated to ensuring that our providers are equipped to provide services that are responsive to our clients' needs and lived experiences.

Purpose:

To protect children from abuse and neglect by delineating the requirements of the Child Abuse and Neglect Reporting Act (CANRA), California Penal Code Section 11164-11174.3 and ensuring that San Francisco Behavioral Health Services (SF BHS) staff understand their role as mandated reporters and meet the statutory reporting requirements.

Scope:

This policy applies to all SF BHS civil service and contract providers who are mandated reporters as defined by the Child Abuse and Neglect Reporting Act, California Penal Code Section 11165.7. Any SF

BHS mandated reporter who, in their professional capacity, or within the scope of their 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, must report the known or suspected abuse as described below. This includes situations where the client may be the suspected or known perpetrator of child abuse or neglect. Mandated reporters do not have to know the victim personally, but do have sufficient facts to create an objectively reasonable suspicion of abuse or neglect.

Definition of Terms

“Child” means a person under the age of 18 years (Penal Code Section 11165).

“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 the person’s 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. The pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse [(Penal Code Section 11166 (a)(1)].

“Mandated reporters” as defined by Penal Code Section 11165.7 are required by law to report known or suspected child abuse or neglect. Mandated reporters include, but are not limited to, any behavioral health practitioner, intern or trainee whether employed directly as a civil service provider, as a staff member of a contract agency, or as a contracted employee through the private provider network. Alcohol and drug counselors or persons providing counseling, therapy, or other clinical services for State licensed or certified alcohol and drug treatment programs are also mandated reporters [(CFR Title 42 Section 2.12(6)]. If you have questions about whether or not you are a mandated reporter, consult with your supervisor or with Child Protective Services.

“Child abuse or neglect” includes physical injury or death that is inflicted by other than accidental means upon a child by another person, sexual abuse (Penal Code Section 11165.1), neglect (Penal Code Section 11165.2), the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code Section 11165.3), unlawful corporal punishment or injury (Penal Code Section 11165.4), and abuse or neglect in out-of-home care (Penal Code Section 11165.5). Child abuse and neglect includes all of the following:

A. “Sexual abuse” means sexual assault or sexual exploitation (Penal Code Section 11165.1).

1. “Sexual Assault” means conduct in violation of one or more Penal Code sections pertaining to rape, rape in concert, statutory rape, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration and child molestation [(Penal Code Section 11165.1(a)].

“Statutory rape” is defined as “unlawful sexual intercourse” with a person under age 18 who is not the spouse of the perpetrator, irrespective of consent (Penal Code Section 261.5).

CANRA requires mandated reporters to report the following instances of statutory rape:

- Sexual intercourse with a child accomplished with the use of force, violence, duress, menace or fear of immediate and unlawful bodily injury to the victim or another, or intercourse accomplished in any other way without consent.
- Sexual intercourse between a child who is under 14 years old and a person 14 years old or older, irrespective of consent (Penal Code Section 288).
- Sexual intercourse between a child who is under 16 years old and a person 21 years old or older, irrespective of consent [(Penal Code Section 261.5 (d))].

A “lewd and lascivious act” is an intentional touching the body, or any part or member thereof, of a child, “with the intent of arousing, appealing to, or gratifying the lust, passions or sexual desires of that person or the child (Penal Code Section 288).” Instances of lewd and lascivious acts that must be reported as child abuse includes:

- Any lewd and lascivious touching of a child accomplished with the use of force, violence, duress, menace or fear of immediate and unlawful bodily injury to the victim or another.
- Any lewd and lascivious touching of a child under 14 years old, if the other person is 14 years old or older, irrespective of consent.
- Any lewd and lascivious touching of a child 14 or 15 years old, if the other person is 10 or more years older, irrespective of consent.

2. **“Sexual exploitation”** refers to any of the following [(Penal Code Section 11165.1(c))]:

- Conduct involving matter depicting a minor engaged in obscene acts, which violates the law prohibiting the preparation, sale or distribution of obscene matter or employment of minors to perform obscene acts.
- Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child’s welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting or other pictorial depiction involving obscene sexual conduct.
- Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in Penal Code Section 311.3(c) and (e).
- **“Commercial sexual exploitation”** refers to the sexual trafficking of a child as described in subdivision (c) in the Penal Code Section 236.1, or a child who receives food or shelter in exchange for, or who is paid to perform, sexual acts as described in the Penal Code Section 11165.1 or subdivision (c) in Penal Code Section 236.1. The US Department of Justice defines the commercial sexual exploitation of

children (CSEC) as a range of activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person. Any commercially sexually exploited child whose parent or guardian failed to, or was unable to protect the child, may be served through the San Francisco child welfare system pursuant to Welfare & Institutions Code Section 300(b)(4). All instances of commercial sexual exploitation of children must be understood as child abuse and reported as such.

B. "Neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. Neglect refers to any of the following:

1. "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that her or his person or health is endangered, as proscribed by Penal Code Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care [(Penal Code Section 11165.2(a))].

2. "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred, but the child is at substantial risk of suffering serious physical harm or illness. General neglect does not include a parent's economic disadvantage. A child not receiving treatment for religious reasons shall not be considered neglected for that reason alone [(Penal Code Section 11165.2(b))].

C. "Willful harming or injuring of a child or the endangering of the person or health of a child" means a situation in which any person willfully causes or permits any child to suffer, or inflicts upon a child, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered (Penal Code Section 11165.3).

D. "Unlawful corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition (Penal Code Section 11165.4).

E. "Abuse or neglect in out-of-home care" includes physical injury or death inflicted upon a child by another person by other than accidental means, sexual abuse, neglect, unlawful corporal punishment or injury, or the willful harming or injuring of a child or the endangering of the person or health of a child, where the person responsible for the child's welfare is a licensee, administrator or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. It does

not mean an injury caused by a peace officer's reasonable and necessary force while acting within the course and scope of the officer's employment as a peace officer (Penal Code Section 11165.5).

Policy:

SF BHS mandated reporters are expected to understand and follow State law regarding the mandatory reporting of known or suspected child abuse or neglect.

- All SF BHS mandated reporters must sign a specific statement to the effect that he or she has knowledge of and will comply with the reporting obligations.
- Per the Penal Code Section 11166.5(a)(1), each program must ensure a signed copy of the *Statement Acknowledging Requirement to Report Child Abuse* is in the employee's personnel file (Attachment 2 – form *LIC 9108*). This form can be downloaded at: <http://www.cdss.ca.gov/cdssweb/entres/forms/English/LIC9108.PDF>
- The duties of mandated reporters are individual, and no supervisor or administrator shall impede or inhibit the reporting duties, and no person making the report shall be subject to any sanction for making the report.
- Failure of mandated reporters to report child abuse or neglect is a misdemeanor crime punishable by up to six months in a county jail or by a fine of one thousand dollars, or both [(Penal Code Section 11166.(c)].
- No mandated reporter shall incur any civil or criminal liability as a result of making a required report [(Penal Code Section 11172 (a)].
- The legislature finds that even though it has provided immunity from liability to persons required to report child abuse, that immunity does not eliminate the possibility that actions may be brought against those persons based upon required reports of child abuse. If such actions occur, the Department of General Services will appropriate up to fifty thousand dollars (\$50,000) for reasonable attorney's fee incurred in any action against that person on the basis of making a report of child abuse [(Penal Code Section 11172 (e)(1)].
- Mandated reporters may have additional reporting requirements and/or mandates (e.g., State licensing and other regulatory agencies). This policy does not supersede these requirements nor do meeting these additional requirements substitute for compliance with this policy statement. This policy is implemented consistent with the laws and regulations regarding client confidentiality.

Reporting Procedures: SF BHS mandated reporters are required to report known or suspected child abuse or neglect whenever the mandated reporter, in their professional capacity or within the scope of their 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 [(Penal Code Section 11166(a)].

1. Telephone Report - Mandated reporters are required to make an initial verbal report by telephone immediately or as soon as is practicably possible.

- **If the child is a San Francisco resident:** notify the Child Protective Services Hotline at the Human Services Agency immediately at 1-800-856-5553. If you are unsure whether or not to report, you are strongly encouraged to call this number for consultation. If the situation is urgent or is an emergency, call 911.
- **If the child is not a San Francisco resident:** notify the Child Protective Services at the Department of Social Services immediately in the county where the child resides. The California county emergency response child abuse reporting telephone numbers may be accessed at: <http://www.cdss.ca.gov/Reporting/Report-Abuse/Child-Protective-Services/Report-Child-Abuse>. If assistance or consultation is needed, contact the local Child Protective Services Hotline at 1-800-856-5553. If the situation is urgent or is an emergency, call 911.
Note that our local police and Child Protective Services are generally obligated to accept reports of cases not within their jurisdiction.
- **If the child is known or at risk for commercial sexual exploitation:** notify the Child Protective Services Hotline at the number above AND request the activation of the San Francisco CSEC protocol, which can allow for a multi-disciplinary rapid response to provide services and stabilization.

2. Written Report – Mandated reporters are required to complete and submit a written report (BCIA 8572) to Child Protective Services within 36 hours of the verbal report.

- **Written reports regarding children who are San Francisco residents can be submitted in one of three ways:**
 - Mail:** Family & Children’s Services, Attn: Hotline H110
PO BOX 7988
San Francisco, CA 94120-7988
 - FAX:** 415-557-5351
 - Email:** FCSHotlineReports@sfgov.org
- **Written reports regarding children who are not residents of San Francisco should be directed to** the Child Protective Services at the Department of Social Services in their county of residence. If assistance or consultation is needed, contact the local Child Protective Services Hotline at 1-800-856-5553.
As indicated above, our local police and Child Protective Services are generally obligated to accept reports of cases not within their jurisdiction.

The written report is done by completing the *Suspected Child Abuse Report* form (Attachment 1 - form BCIA 8572-Rev. 04/2017). This form may be downloaded at: http://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf The reporter should fill out the form as thoroughly as possible, adding any additional information that seems pertinent, and carefully following the instructions printed on the back of the form (*Definitions and General Instructions for Completion of Form BCIA 8572*).

The written report is to be made even when information provided is incomplete or uncertain to the mandated reporter. Written reports must include the following information:

- reporter's name, business address and phone number;
- 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 of that information.

If known, the written report should include the following information:

- child's name, address, present location, and if applicable, school, grade, and class;
- names, addresses, and telephone numbers of child's parents or guardians; and
- name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child.

Please note that if an individual under 18 years of age reports abuse that transpired when she or he was a young child, such abuse must also be reported. Parental consent is not required prior to filling out a *Suspected Child Abuse Report*; however, in the interests of maintaining a treatment alliance, parents/guardians may be notified when a report of child abuse is being made, but only if this communication poses no risk for the child (i.e., if the parent/guardian is not the suspected abuser). You can always contact the Child Protective Services Hotline for status and feedback about the report and investigation.

3. Involvement of two or more mandated reporters - When two or more mandated reporters are present and jointly have knowledge of a suspected instance of child abuse or neglect and there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single written report may be made and signed by the selected members of the reporting teams. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report [(Penal Code Section 11166 (h))].

It is always advisable to consult and inform your immediate supervisor regarding actual or potential mandated reporting incidents, and to inform your immediate supervisor regarding any report made. Consultation with Child Protective Services is encouraged if there are questions about the reporting process.

4. Quality of Care Report - Per BHS policy 1.04-4, the QOC report must be completed and submitted when a mandated report is made. The QOC report should include the name of the staff member issuing the mandated report, the names of any other persons involved in the decision, law enforcement and CPS notification information, and any relevant circumstances surrounding the suspected abuse of the child. In lieu of submitting the QOC Report, the *Suspected Child Abuse Report* may be substituted for the BHS QOC Report. A fillable pdf version of the QOC Report can be accessed on the DPH public website at:

https://www.sfdph.org/dph/files/CBHSdocs/fillable_pdf_QoC_Reporting_Form_4-20.pdf

The QOC Report or a copy of the *Suspected Child Abuse Report* should be submitted by secure email to BHSQualityofCareReport@sfdph.org or by fax to 415-252-3001 or by mail to BHS Quality Management, 1380 Howard Street, 2nd Floor, San Francisco, CA 94103.

Confidentiality: The mandatory reports required by law are themselves confidential and may be disclosed only to specifically authorized persons or agencies as required or permitted by law [(Penal Code Section 11167.5(b))]. The identity of all persons who report known or suspected child abuse shall be confidential and disclosed only among agencies or persons as required or permitted by law [(Penal Code Section 11167(d)(1))]. Any violation of confidentiality required by this chapter is a misdemeanor punishable by not more than six months in the county jail, by a fine of five hundred dollars (\$500), or by both [(Penal Code Section 11167.5(a))].

The psychotherapist-patient privilege does not apply to confidential information required to be reported pursuant to the statute [(Penal Code Section 11171.2 (b))]. However, the psychotherapist should not disclose information received after the report was made that did not disclose new incidents of abuse.

The federal law governing substance abuse patient information provides an exception to confidentiality in order to report suspected child abuse and neglect. However, the legal restrictions on disclosure continue to apply to the original alcohol or drug abuse patient records maintained by the program, including their disclosure and use for civil or criminal proceedings which may arise out of the report of suspected child abuse and neglect [Code of Federal Regulations, Title 42 Section 2.12 (6)].

Copies of the *Suspected Child Abuse Report* are to be confidentially retained by the program separate from the client's medical record in order to avoid inadvertent disclosure. Mandated reporters will document in the official medical record/EHR that a report of child abuse was made. This documentation should be a separate standalone note and should not include any details regarding the abuse being reported.

Resources for Families and Providers:

Child Protective Services Hotline: 1-800-856-5553

San Francisco Police Department - Special Victims Unit: 415-553-9225

Safe & Sound: 415-668-0494

Child and Adolescent Support Advocacy and Resource Center (CASARC): 628-206-8386

Attachments: Attachment 1 – *Suspected Child Abuse Report BCIA 8572 form with Definitions and General Instructions for Completion of Form BCIA 8572*
Attachment 2 – *Statement Acknowledging Requirement to Report Child Abuse LIC 9108*

Contact Person:

Director, Children, Youth & Families System of Care

Distribution:

BHS Policies and Procedures are distributed by Behavioral Health Services' Quality Management and Regulatory Affairs

Administrative Manual Holders
BHS Programs
SOC Program Managers
BOCC Program Managers
CDTA Program Managers

Attachment 1 – Form BCIA 8572 (rev 4/17)
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SUSPECTED CHILD ABUSE REPORT
(Pursuant to Penal Code section 11166)

[Print Form](#)

[Clear Form](#)

To Be Completed by Mandated Child Abuse Reporters
PLEASE PRINT OR TYPE

CASE NAME: _____

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 - NAME AND TITLE				TELEPHONE	
C. VICTIM One report per 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	VICTIM'S 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	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 incident's involving the victim(s) or suspect)					

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.



SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM BCIA 8572

All Penal Code (PC) references are located in Article 2.5 of the California PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://leginfo.legislature.ca.gov/faces/codes.xhtml> (specify "Penal Code" and search for sections 11164-11174.3). A mandated reporter must complete and submit form BCIA 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, birthdate or approximate age, sex, ethnicity, address, telephone number, 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 BCIA 8572, retain a copy for your records and submit copies to the designated agency.

Designated Agency: *Within 36 hours* of receipt of form BCIA 8572, the initial designated agency will send a copy of the completed form to the district attorney and any additional designated agencies in compliance with PC sections 11166(j) and 11166(k).

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 2 – Form LIC 9108 (3/05)
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STATEMENT ACKNOWLEDGING REQUIREMENT TO REPORT CHILD ABUSE

NOTE: RETAIN IN EMPLOYEE/LICENSEE FILE

NAME	
POSITION	FACILITY NUMBER

California law **REQUIRES** certain persons to report known or suspected child abuse. As a licensee or an employee at a licensed facility or a child care institution, **YOU** are one of those persons - a "mandated reporter."

PERSONS WHO ARE REQUIRED TO REPORT ABUSE

Mandated reporters include a licensee, an administrator, or an employee of a licensed community care or child day care facility. [Penal Code ("PC") § 11165.7(a)(10)] Mandated reporters also include an employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities. [PC § 11165.7(a)(14)] No supervisor or administrator may impede or inhibit an individual's reporting duties or subject the mandated reporter to any sanction for making the report. [PC § 11166(h)]

WHEN REPORTING ABUSE IS REQUIRED

A mandated reporter, who in his or her professional capacity, or within the scope of his or her employment, has knowledge of or observes a person under the age of 18 years whom he or she knows or reasonably suspects has been the victim of child abuse or neglect must report the suspected incident. The reporter must contact a designated agency immediately or as soon as practically possible by telephone, and shall prepare and send a written report within 36 hours of receiving the information concerning the incident. [PC § 11166(a)]

ABUSE THAT MUST BE REPORTED

Physical injury inflicted by other than accidental means on a child. [PC § 11165.6]

Sexual abuse meaning sexual assault or sexual exploitation of a child. [PC § 11165.1]

Neglect meaning the negligent treatment, lack of treatment, or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. [PC § 11165.2]

Willful harming or injuring or endangering a child meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child be placed in a situation in which the child or child's health is endangered. [PC § 11165.3]

Unlawful corporal punishment or injury willfully inflicted upon a child and resulting in a traumatic condition. [PC § 11165.4]

WHERE TO CALL IN AND SEND THE WRITTEN ABUSE REPORT

Reports of suspected child abuse or neglect must be made to any police department or sheriff's department (not including a school district police or security department), county probation department, if designated by the county to receive mandated reports, or the county welfare department. [PC § 11165.9] The written report must include the information described in Penal Code section 11167(a) and may be submitted on form SS 8572.

IMMUNITY AND CONFIDENTIALITY OF REPORTER AND OF ABUSE REPORTS

Persons legally mandated to report suspected child abuse have immunity from criminal or civil liability for reporting as required or authorized by law. [PC § 11172(a)] The identity of a mandated reporter is confidential and disclosed only among agencies receiving or investigating reports, and other designated agencies. [PC § 11167(d)(1)] Reports are confidential and may be disclosed only to specified persons and agencies. Any violation of confidentiality is a misdemeanor punishable by imprisonment, fine, or both. [PC § 11167.5(a)-(b)]

PENALTY FOR FAILURE TO REPORT ABUSE

A mandated reporter who fails to make a required report is guilty of a **misdemeanor** punishable by up to six months in jail, a fine of \$1000, or both. [PC § 11166(b)]

COPY OF THE LAW

Prior to my employment in a licensed community care or child day care facility, or child care institution, my employer provided me with a copy of Penal Code sections 11165.7, 11166, and 11167. [PC § 11166.5(a)]

ACKNOWLEDGMENT OF RESPONSIBILITY

I, _____, have knowledge of my responsibility to report known or suspected child abuse in compliance with Penal Code section 11166. [PC § 11166.5(a)]

SIGNATURE	DATE
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