

## Mandated Reporting

<b>Effective Date:</b>	1/15/25
<b>Revised Date:</b>	1/15/25
<b>Issuing Authority:</b> Chief Probation Officer	

### 432.1 PURPOSE:

To establish guidelines for mandatory reporting of encountered, reported, or suspected child, elder, or dependent adult abuse to the appropriate social service entity and local law enforcement.

### 432.2 DEFINITIONS:

Dependent Adult: An individual between 18 and 64 years of age who has physical or mental limitations that restrict the ability to carry out normal activities or to protect the individual's rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. (WIC § 15610.23)

Elder: An individual residing in this state who is age 65 or older (WIC § 15610.27).

### 432.3 GUIDELINES:

- A. All information, documents, and copies related to abuse shall be treated as confidential. This confidentiality is maintained between the reporting party and the recipient. An exception exists for Professional Standards employees who are conducting an evaluation of the reporting process or investigating allegations of abuse by an employee or person acting under the authority of the department.
- B. Information related to incidents of abuse shall be confidential and may only be disclosed pursuant to state law (PC 11167.5; WIC § 15633). The disclosure of such information shall adhere to the departmental custodian of records guidelines.
- C. Child abuse or neglect does not include a mutual affray between youth, nor does it include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer (PC 11165.6).

### 432.4 RESPONSIBILITIES:

- I. Child Abuse (Penal Code § 273d):
  - A. All Mandated Reporters (PC 11165.7 and 11166) shall:
    1. Contact local law enforcement for immediate child safety threats.
    2. If, in the course of their duties, a mandated reporter has knowledge of or observes a child whom the mandated reporter knows, or reasonably

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suspects has been a victim of child abuse or neglect as defined in PC 11165.6, shall:

- (a) Immediately notify, or as soon as practicably possible, Children and Family Services (CFS): (909)384-9233 or (800)827-8724.
  - (b) Submit a written report within 36 hours of receiving the information by fax to (909)891-3545 or (909)891-3560.
  - (c) Refer to CFS guidelines, hotlines, and reporting form: [How to Report Child Abuse - Children and Family Services \(sbcounty.gov\)](#)
  - (d) Send a copy of the written report to Professional Standards in a sealed envelope labeled "CONFIDENTIAL."
3. For out-of-county cases, refer to [Report Child Abuse \(ca.gov\)](#) for a list of other county child protective services contact/reporting information.
  4. When multiple mandated reporters share knowledge of suspected abuse:
    - (a) One member may file the telephone report and submit the written report by mutual agreement.
    - (b) If the designated reporter fails to report the other member(s) shall complete the reporting.
  5. Document notification and circumstances surrounding the discovery of the abuse in Caseload Explorer if appropriate.
  6. Retain a copy of the report until Professional Standards confirms that it was received.
  7. If abuse is suspected from department personnel or other persons working or acting under the authority of the department, immediately notify the Division Director and/or Deputy Chief Probation Officer or designee by telephone and e-mail.
  8. For facility staff and suspected abuse in a JDAC or TF:
    - (a) Ensure the safety of the youth.
    - (b) Follow the steps outlined in this procedure.
    - (c) Notify a supervisor/Watch Commander/Treatment Facility Supervisor/PREA Manager/Division Director, and Medical Services and/or FAST as appropriate.
    - (d) Refer to the PREA Policy and Coordinated Response to Sexual Abuse and Sexual Harassment procedure (if applicable).

#### II. Emergency Removal (WIC § 300; WIC § 305):

- A. An officer may take temporary custody of a minor without a warrant if they reasonably believe the minor:
  1. Needs immediate medical care.
  2. Faces immediate danger of physical or sexual abuse.

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3. Is in an environment posing an immediate threat to the minor's health or safety.
  4. Is left unattended, risking immediate health or safety.
    - (a) Attempt to contact the parent or guardian.
    - (b) If unsuccessful, contact CFS to assume custody.
  5. Is hospitalized and release to the parent poses an immediate health or safety threat.
  6. Is a dependent of the juvenile court and the officer reasonably believes that the juvenile has violated an order of the court.
  7. Has left a juvenile court-ordered placement.
  8. Requires care after being found injured or sick in a public place.
- III. Elder and Dependent Adult Abuse (Penal Code § 368):
- A. All Mandated Reporters (WIC § 15630) shall:
    1. Contact local law enforcement for immediate elder and dependent adult safety threats.
    2. If, in the course of their duties, a mandated reporter has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in WIC 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that they have experienced behavior, including an act or omission, constituting physical abuse as defined in WIC 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known, suspected, or alleged instance of abuse:
      - (a) Immediately notify, or as soon as practicably possible, Adult Protective Services (APS): (877)565-2020.
      - (b) Submit a written report to APS within two working days.
      - (c) Refer to APS guidelines, hotlines, and reporting forms: [Adult Protective Services of San Bernardino Adult and Aging Services department \(sbcounty.gov\)](#) and [SOC 341 \(2/24\) - Report of Suspected Dependent Adult-Elder Abuse](#)
      - (d) Send a copy of the written report to Professional Standards in a sealed envelope labeled "CONFIDENTIAL."
      - (e) For alleged abuse in a Long Term Care facility, state mental hospital, or state developmental center refer to page 6 of form SOC 341 for additional mandatory reporting requirements pursuant to W&I 15630.
    3. Mandated reporters may voluntarily report:
      - (a) Known or suspected elder/dependent adult abuse not covered by mandatory reporting.

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- (b) Any endangerment to the emotional well-being of an elder/dependent adult.
    - (c) Such reports are permitted under WIC § 15630(c)(1-5).
  - 4. When multiple mandated reporters share knowledge of suspected abuse:
    - (a) One member may file the telephone report and submit the written report by mutual agreement.
    - (b) If the designated reporter fails to report the other member(s) shall complete the reporting.
- IV. Professional Standards:
  - A. Upon receiving a copy of a report of suspected abuse involving a child, elder, or dependent adult:
    - 1. Ensure the suspect is not a current or former employee of the department or anyone acting under the authority of the department.
    - 2. If the suspect is affiliated with the department immediately notify the Chief Probation Officer or designee for further action.
  - B. Send a confirmation email to the reporter upon receipt of their report.
  - C. Maintain the reports according to the records retention schedule.
- V. Division Director:
  - A. Shall ensure that employees and anyone acting under the authority of the department assigned to their division receive training regarding the requirements of a mandated reporter.
  - B. Shall notify the Deputy Chief Probation Officer or designee when an abuse allegation involving a department employee or anyone acting under the authority of the department is made.