





## San Francisco Juvenile Probation Department

### Juvenile Hall Policy and Procedures Manual

#### Chapter 5 - Youth Rights

Policy Number:	5.06
Policy Name:	Mandatory Reporting - JJC
Authority:	Title 15, 1357, Penal Code 11164-11174.3 (Child Abuse and Neglect Reporting Act) Landeros vs. Flood [1976] 17C.3d 399)
Replaces:	
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Related Policies and Procedures:	
Related Forms:	Form SS8572
Director of Juvenile Hall:	Bobby Uppal 
Chief Probation Officer:	Katherine Weinstein Miller 

## I. POLICY

Juvenile Hall staff are mandated reporters under California law [PC 11165.7] meaning they are legally required to make a report to Child Protective Services, law enforcement having authority over the case, and the District Attorney whenever, during their duties, they have knowledge of, observe, or reasonably suspect a youth to be the victim of abuse or neglect. Failure to report abuse and neglect to the required authorities is a criminal offense. [PC 11166.01(b)]

SFJPD must establish and maintain departmental and internal procedures to facilitate reporting and apprise supervisors and administrators of reports. Supervisors and administrators shall not impede or inhibit reporting duties of individual Juvenile Hall staff and doing so is a criminal offense. [PC 11166.01(a)]

## II. PURPOSE

Under California law, categories of people are “mandated reporters”. This means they shall report suspected child abuse and neglect to either law enforcement or Child Protective Services as part of the county’s social services department. Mandated reporters include such professionals as teachers, school administrators, physicians, and other health care providers, social services, and law enforcement personnel. Mandatory Reporting is intended to protect the safety of children and families. It provides the critical opportunity to intervene to prevent future and more serious abuse.

## DEFINITIONS

### Human Trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, using force, fraud, or coercion for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, slavery, or sexual exploitation.

Mandated Reporter	Individuals who shall report suspected or known instances of child abuse and neglect.
Mandated Report	Any report of child abuse or neglect made by a Mandatory Reporter. Form SS8572 must be used for the written report.
Neglect	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.
Reasonable Suspicion	A suspicion that is based on facts that could cause a reasonable person in a like position, drawing on his or her training, or experience to suspect child abuse or neglect.
Sexual abuse	Refers to sexual assault or sexual exploitation as defined in PC 11165.1.
"The willful harming or injuring of a child or the endangering of the person or health of a child" [PC11165.3]	Where any person willfully causes or permits any child to suffer or inflicts on the 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 in which his or her person or health is endangered.
"Unlawful corporal punishment or	Where any person willfully inflicts upon any child any cruel or inhuman

injury" [PC 11165.4]

corporal punishment or injury resulting in a traumatic condition. It does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

### III. PROCEDURE

#### A. Advising Juvenile Hall Staff of their Reporting Duties

- i. The Director of Juvenile Hall or designee shall provide all staff considered to be mandated reporters a copy of Penal Code Sections 11165.7, 11166, and 11167 [PC 11166.5].
  - a. Where possible, all relevant staff should be trained in recognizing abuse and neglect experienced by youth during their time at Juvenile Hall or otherwise.
- ii. The Director of Juvenile Hall or designee shall provide a written document to all staff considered to be mandated reporters informing them of:
  - a. Their mandated reporter status, reporting obligations, and rights to confidentiality.
  - b. That failing to make a required report makes him or her liable of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine [PC 11172(e)]. He or she may also be subject to a civil lawsuit and may be found liable for damages with the likelihood of which increases if the child-victim or another child is further victimized because of the failure to report. (Landeros vs. Flood [1976] 17C.3d 399)

- iii. All staff considered to be mandated reporters shall sign the document to indicate awareness and understanding of these obligations and agreement to comply.

#### B. When to Report

- i. All staff considered to be mandated reporters shall report all known or reasonably suspected cases of child abuse or neglect, including a physical injury inflicted by other than accidental means upon a child, sexual abuse, neglect, willful cruelty, and unjustifiable punishment.
- ii. A report can also be made when a staff member has knowledge of or reasonably suspects that a youth is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, evidenced by status of being or behavior, including, but not limited to, severe anxiety, depression, withdrawal, or aggressive behavior toward self or others. [PC 11166]
- iii. All staff considered to be mandated reporters shall report even in the case of death of the youth whether death was caused by or related to the abuse being reported. [PC 11166]
- iv. No mandated reporter who reports a suspected incident of child abuse or neglect may be held civilly or criminally liable for any report.

#### C. How to Report

- i. When two or more mandated reporters jointly have knowledge of suspected child abuse or neglect, the selected member of the reporting team may make a single report. Any member of the reporting team who has knowledge that the designated person has failed to report shall do so him or herself. [PC 11166(f)]

- ii. All staff considered to be mandated reporters shall make an initial report as soon as is practicably possible to:
  - a. Child Protective Services
  - b. The law enforcement agency having jurisdiction over the case, and
  - c. The District Attorney.
- iii. Staff shall make the initial report by telephone. If the reporter is reasonably unable to submit an initial report by telephone, he or she shall immediately or as soon as practicably possible, submit a written report electronically or by fax using a SS8572 form.
  - a. On the form, the reporter should note why the telephone call could not be completed.
  - b. The reporter shall also be available to respond to a follow-up telephone call by the agency or agencies with which he or she filed the report.
  - c. If the reporter files a written report because he or she was unable to submit the report by telephone, he or she is not required to submit a follow-up written report. [PC 11166]
- iv. The staff member considered to be the mandated reporter shall prepare and send a follow-up written report within 36 hours of receiving the information concerning the incident by using a form SS8572.

- a. The reporter shall include any non-privileged documentary evidence he or she possesses relating to the incident in the report.
  - b. The reporter shall complete the report, even if some of the requested information is not known. [PC 11167(a)]
- v. The staff member considered to be the mandated reporter may issue an Arrest Warrant for a youth on probation if the circumstances of the youth's home environment may endanger the health, person, welfare, or property of the youth.