

NOTICE

Child Abuse Mandated Reporter

Section 11166 of the Penal Code requires any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency 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 to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. Please contact the Health Agency Compliance Officer if you believe you are exempt from mandated reporting.

Mandated child abuse reporters are exempt from civil or criminal liability for reporting known or suspected child abuse as required or authorized by the child abuse reporting law. Unless there is an emergency, you should notify your supervisor prior to reporting an incident of child abuse.

Mandated reporters are allowed to file a claim for reimbursement with the State Board of Control for reasonable attorney's fees incurred in any action brought against him or her on the basis of making a report required or authorized by the child abuse reporting law.

Any person failing to report an instance of child abuse which he/she knows or exist or reasonably should know to exist, is guilty of a misdemeanor which is punishable by jail confinement not to exceed one thousand five hundred dollars (\$1,500.00), or by both.

Note: The appropriate "child protective agency" to report to in San Luis Obispo County is the Department of Social Services, Child Protective Service Division at (805) 784-KIDS or any law enforcement agency. The appropriate written report to be completed is the "Suspected Child Abuse Report," or scar.

The County is required to provide you sections of the [California Penal Code relating to your obligation to report child abuse](#). Please click on the provided link for a copy of this information. The information is also located on the County Health Agency internet and intranet page.

By checking this box, I understand that California state law specifies that in general, employees of the Health Agency are "Mandated Child Abuse Reporters" under 11165.5 of the Penal Code. I further certify that as a mandated child abuse reporter, I understand my reporting responsibilities as outlined in this document and will comply with my obligations under California state law. Lastly, I understand that I have been provided relevant sections of the Penal Code related to my obligations under the law. (Via link to the Health Agencies web site.)

Adult/Elder Abuse Mandated Reporter

California state law requires care custodians, health practitioners, employees of adult protective services agencies, and employees of local law enforcement agencies to report physical abuse of elders and dependent adults. NOTE: EMPLOYEES WORKING IN THE DRUG AND ALCOHOL PROGRAM MAY NOT REPORT ELDER ABUSE OUTSIDE OF THE PROGRAM WITHOUT CLIENT AUTHORIZATION. PLEASE REPORT TO YOUR SUPERVISOR IF YOU ARE IN THE D&A DIVISION. Other than Drug and Alcohol employees, please contact the Health Agency Compliance Officer if you believe you are exempt from mandated reporting.

An “elder” is any person 65 years of age or older. “Dependent adult” means any person who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. “Dependent adult” also includes any person between the ages of 18 and 64 who is an inpatient of a 24 hour health facility.

The law specifies that employees mentioned above must report physical abuse under the following circumstances:

1. When the reporter has observed an incident that reasonably appears to be physical abuse;
2. When the reporter has observed a physical injury where the nature of the injury, its location on the body, or the repetition of the injury, clearly indicates that physical abuse has occurred;
3. When the reporter is told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse:
4. Other types of abuse, such as neglect, intimidation, fiduciary abuse, abandonment, etc. may also be reported.

The report must be made immediately, or as soon as possible by telephone to either the Department of Social Services Adult Protective Services Division, Local Law Enforcement, and/or the state Long-Term Care Ombudsman Program (if the person is in a long-term care facility). Unless there is an emergency, you should notify your supervisor prior to reporting elder abuse or dependent adult abuse.

Additional Information:

1. Nothing in California law requires or implies that mandated reporters have a duty to investigate any known or suspected case of abuse.
2. Mandated reporters are only legally responsible for one thing: the reporting of suspected or known abuse.
3. Reporting is an INDIVIDUAL DUTY. By law, a supervisor or administrator CANNOT prevent a staff member from reporting elder or dependent adult abuse. Neither can mandated reporters hand this responsibility over to another staff member.
4. Mandated reporters must report the incident themselves, they must follow through and no one can alter this legal responsibility. (Note special procedures for Drug and Alcohol Program employees)
5. When you report an instance of suspected abuse, you are acting according to the law and behaving in an ethical manner.

The County is required to provide you sections of the [California Welfare & Institutions Code relating to your obligation to report elder abuse](#). Please click on the provided link for a copy of this information. The information is also located on the County Health Agency internet and intranet page.

By checking this box, I understand that California state law specifies that in general, employees of the Health Agency are “Elder Abuse Mandated Reporters” under Welfare and Institutions Codes 15600-15601, 15610, 15630-15637, and 15659. I further certify that as a mandated elder/dependent adult abuse reporter, I understand my reporting responsibilities as outlined in this document and will comply with my obligations under California state law. Lastly, I understand that I have been provided relevant sections of the Welfare and Institutions Penal Code related to my obligations under the law. (Via link to the Health Agencies web site.)