

MANDATED REPORTER NOTICES

For all Health Agency Employees and Contractors

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 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. In addition, employees of the Health Agency who are not subject to Section 11166 of the Penal Code must report any suspected child abuse to a supervisor as soon as possible.

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 (5437) 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 adult/elder abuse. The information is located on Health Agency Privacy and Compliance's webpage on MySLO (Internal; [https://myslo/DepartmentsNew/Department-Example/Forms-Documents/HA-Administration/Compliance-and-Privacy-Forms/Handouts-\(1\).aspx](https://myslo/DepartmentsNew/Department-Example/Forms-Documents/HA-Administration/Compliance-and-Privacy-Forms/Handouts-(1).aspx)) and slocounty.ca.gov (External; <https://www.slocounty.ca.gov/departments/health-agency/compliance-and-privacy-program/forms-documents/contractor-and-network-provider-policies,-forms-an>). Please click on the provided links for a copy of this information.

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 ADULT/ELDER ABUSE TO YOUR SUPERVISOR IF YOU ARE IN THE D&A DIVISION.** In addition, employees of the Health Agency who are not subject to adult/elder abuse reporting laws must report any suspected adult/elder abuse to a supervisor as soon as possible. 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 as soon as possible by telephone to 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.

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By signing at the bottom of this document:

I confirm my understanding that all employees of the Health Agency are **Child Abuse Mandated Reporters** under 11165.5 of the Penal Code or are required to report child abuse to a supervisor.

I confirm my understanding that all employees of the Health Agency are **Adult/Elder Abuse Mandated Reporters** under Welfare and Institutions Codes 15600-15601, 15610, 15630-15637, and 15659, or are required to report elder abuse to a supervisor

I further confirm that as a **Child Abuse Mandated Reporter** and an **Adult/Elder Abuse Mandated Reporter**, I understand my reporting responsibilities as outlined in this document and will comply with my obligations under California state law and Health Agency policy. Lastly, I understand that I have

been provided relevant sections of the Penal Code related to my obligations under the law.

Print Name _____ Date: _____

Signed: _____