

**CHILD ABUSE REPORTING
ELDER/DEPENDENT ADULT ABUSE REPORTING
DOMESTIC/INTIMATE PARTNER VIOLENCE REPORTING
SEXUAL ABUSE/SEXUAL COERCION/SEXUAL MISCONDUCT
REPORTING SUSPICIOUS INJURIES**

The following policy statements apply to all Los Angeles County Workforce Members. "Workforce Members" includes employees, volunteers, trainees, and any other persons who perform work under the control of Department of Public Health (DPH), whether or not they are paid by the County. "Employ/employment" as referenced in the statements below includes non-County workforce members assignments to a DPH Program.

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California Penal Code Section 11166.5 requires Los Angeles County DPH to provide all mandated reporters who commence employment or are assigned to a Los Angeles County DPH facility on and after January 1, 1985, with the following statement. California law requires this statement to be signed by the workforce member as a prerequisite to employment or assignment and be retained by Los Angeles County DPH.

Section 11166 of the Penal Code requires a mandated reporter who, in his/her professional capacity or within the scope of his/her employment or assignment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect to report the known or suspected abuse immediately or as soon as practicably possible by telephone and to prepare and send, fax or electronically submit a written follow-up report thereof within 36 hours of receiving the information concerning the incident. The report shall be prepared on the Department of Justice (DOJ) Form SS8572 may include any non-privileged documentary evidence the mandated reporter possesses related to the incident.

If after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as practicably possible, by fax or electronic submission, make a one-time automated written report on the DOJ Form SS8572 and shall also be available to respond to a telephone follow-up call by the agency in which he or she filed the report. The report must also indicate the reason why the mandated reporter was not able to make an initial report by telephone.

Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; 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 or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

This reporting requirement exists even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if the suspected abuse was discovered during an autopsy.

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The identity of all persons who report under these provisions shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

Reports of suspected child abuse or neglect shall be made by mandated reporters to the local law enforcement agency, county probation or county welfare departments. Child abuse reports may be made directly to the Los Angeles County Department of Children and Family Services (DCFS) through their website at <http://dcfs.co.la.ca.us> or their 24-hour hotline at (800) 540-4000. Written reports may also be faxed to DCFS at (213) 639-1321.

DEFINITIONS

Mandated Reporter – A teacher, An instructional aide, A teacher's aide or teacher's assistant employed by any public or private school, A classified employee of any public school, An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school, An administrator of a public or private day camp, An administrator or employee of a public or private youth center, youth recreation program, or youth organization, An administrator or employee of a public or private organization whose duties require direct contact and supervision of children, An employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis, A licensee, an administrator, or an employee of a licensed community care or child day care facility, A Head Start program teacher, A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11,

A public assistance worker, An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities, A social worker, probation officer, or parole officer, An employee of a school district police or security department, Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school, A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor, A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section,

A firefighter, except for volunteer firefighters,

A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family, and child counselor, clinical social worker or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, A marriage, family, and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, An unlicensed marriage, family and child therapist intern registered under Section 4980.44 of the Business and Professions Code, A state or county public health employee who treats a minor for venereal disease or any other condition,

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A coroner, A medical examiner, or any other person who performs autopsies, A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency, a child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

Animal control officer or humane society officer. For the purposes of this article, the following items have the following meanings:

- (A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
- (B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

A clergy member, specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization, Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166,

Any employee of any police department, county sheriff's department, county probation department, or county welfare department, An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the California Rules of Court, A custodial officer as defined in Section 831.5,

Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to any agency specified in Section 11165.9. Child abuse reports may be made directly to the DCFS through their website at <http://dcfs.co.la.ca.us> or their 24-hour hotline at (800) 540-4000.

Employers are strongly encouraged to provide their mandated reporters with training in the duties of a mandated reporter: identification and reporting of child abuse and neglect. School districts that do not train their mandated reporters must report the reasons why it was not done to the State Department of Education. Public and private organizations are encouraged to provide their volunteers whose duties involve direct contact with and supervision of children with training on identification and reporting of child abuse and neglect. Absence of the training does not excuse a mandated reporter from fulfilling their duties under these provisions.

Child – A "child" is defined as a person under the age of 18 years of age (Section 11165).

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Child abuse or Neglect – includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child or the endangering of the person or health of a child (child endangerment), and unlawful corporal punishment or injury. Child abuse or neglect does not include a mutual physical altercation between minors or injury caused by reasonable and necessary force used by a police officer acting in the scope of his or her employment as a police officer.

- Sexual Abuse – includes sexual assault or physical exploitation as defined in Section 11165.1
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. The term includes both acts and omissions on the part of the responsible person. General neglect includes the failure of a responsible person to provide adequate food, clothing, shelter, medical care, or appropriate supervision. A child receiving medical treatment through spiritual means cannot be automatically determined to be neglected on that basis.
- Willful Harming or Injuring/Endangering – the responsible person causes or permits any child to suffer, inflicts unjustifiable physical pain or mental suffering, or in having the care and 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 injury – willfully inflicting upon any child by cruel or inhumane corporal punishment or injury resulting in a traumatic condition. Does not include reasonable force needed by a person employed by or engaged in public school to quell a disturbance, self defense, to take control of a weapon or other dangerous object or device.

Reasonable Suspicion – 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 his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not in, and of itself, constitute a basis for reasonable suspicion of sexual abuse.

ELDER/DEPENDENT ADULT ABUSE REPORTING

California Welfare and Institutions Code Section 15659 requires Los Angeles County DPH to provide all "care custodians," "clergy member," "health practitioners," and "employees of an adult protective services agency" who enter into employment on or after January 1, 1995, with the following statement prior to commencing his/her employment or assignment and as a prerequisite to that employment or assignment. California law requires this statement to be signed by the workforce member as a prerequisite to employment or assignment and be retained by the Los Angeles County DPH.

Section 15630(b) (1) of the Welfare and Institutions Code provides as follows:

Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report within two working days, either to the long-term care facility, or either the County adult protective agency or to a local law enforcement agency or other agency that licenses the facility where the physical abuse is alleged to have occurred.

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DEFINITIONS

Care Custodian – An administrator or an employee of any of the following public or private facilities or agencies, or persons providing care or services for elders or dependent adults, including members of the support staff and maintenance staff:

- a) Twenty-four-hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.
- b) Clinics
- c) Home health agencies
- d) Agencies providing publicly funded in-home supportive services, nutrition services, or other home and community-based support services
- e) Adult day health care centers and adult day care
- f) Secondary schools that serve 18-to-22 year old dependent adults and postsecondary education institutions that serve dependant adults or elders
- g) Independent living centers
- h) Camps
- i) Alzheimer's Disease day care resource centers
- j) Community care facilities, as defined in Section 1502 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code
- k) Respite care facilities
- l) Foster homes
- m) Vocational rehabilitation facilities and work activity centers
- n) Designated area agencies on aging
- o) Regional centers for persons with developmental disabilities
- p) State Department of Social Services and State Department of Health Services licensing divisions
- q) County welfare departments
- r) Offices of patients' rights advocates and clients' rights advocates, including attorneys
- s) The office of the long-term care ombudsman
- t) Offices of public conservators, public guardians, and court investigators
- u) Any protection or advocacy agency or entity that is designed by the Governor to fulfill the requirements and assurances of the following:
 - 1) The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with developmental disabilities.
 - 2) The Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with mental illness.
- v) Humane societies and animal control agencies
- w) Fire departments
- x) Offices of environmental health and building code enforcement
- y) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders and dependent adults.

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Health Practitioner – A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage, family and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family and child counselor trainee, as defined in subdivision (c) of section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code, state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner.

Dependent Adult – Any person between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that 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 includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facilities, as defined in Sections 1250, 1250.2 and 1250.3 of the Health and Safety Code.

Elder – Any person residing in this state, 65 years of age or older.

Abuse – For purposes of elder or dependent adult, “abuse” means (a) physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering, (b) the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

DOMESTIC/INTIMATE PARTNER VIOLENCE REPORTING

California Penal Code Section 11160 requires any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person described as follows, shall immediately, or as soon as practically possible, make a report to local law enforcement by telephone and a written report within two (2) working days of receiving information regarding the person.

- Any person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm, or
- Any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.

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DEFINITIONS

Assaultive and abusive conduct - includes murder, manslaughter, mayhem, aggravated mayhem, torture, assault with intent to commit mayhem, rape, sodomy, or oral copulation, administering controlled substance or anesthetic to aid in commission of a felony, battery, sexual battery, incest, throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, assault with a stun gun or taser, assault with a deadly weapon, firearm, assault weapon, or machinegun, or by means likely to produce great bodily injury, rape, spousal rape, procuring any male/female to have sex with another man/woman, child abuse or endangerment, abuse of spouse or cohabitant, sodomy, lewd and lascivious acts with a child, oral copulation, sexual penetration, elder abuse, an attempt to commit any crime specified above in violation of the California Penal Code.

Domestic Violence (Penal Code 13700)

Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. "Cohabitant" means two (2) unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

Abuse - Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself or another, sexual assault, or engaging in any behavior that has been or could be enjoined pursuant to Section 6320 such as molesting, attacking, striking, stalking, threatening, battering, harassing.

Health Practitioner – A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage, family and child counselor or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code, state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner.

Intimate Partner – Intimate partners include current and former spouses (legal and common law), current and former non-marital partners (girlfriend/boyfriend relationship, same-sex partners, dating partners (includes first date).

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Intimate Partner Violence – The threatened or actual use of physical force against an intimate partner that either results in or has the potential to result in death, injury, or harm. Intimate partner violence includes physical and sexual violence, both of which are often accompanied by psychological or emotional abuse. It may also include psychological or emotional abuse that occurs without physical or sexual violence when such violence has previously been threatened or committed during the relationship. Some common terms used to describe intimate partner violence include domestic abuse, spouse abuse, domestic violence, courtship violence, battering, marital rape, and date rape. Domestic violence and intimate partner violence are terms used interchangeably.

SEXUAL ABUSE/SEXUAL COERCION/SEXUAL MISCONDUCT (INAPPROPRIATE BEHAVIOR TOWARD A PATIENT)

A workforce member is prohibited from engaging in any conduct of a sexual nature, either intended or unintended, either with or in the presence of any member of the public or patient with whom the workforce member interacts in any way in the performance of his or her work duties. Examples of conduct which may be of a sexual nature include, but are not limited to, verbal, visual, computer generated (e.g., e-mails), written or physical. Sexual misconduct includes inappropriate work-related consensual sexual behavior, whether or not it involves other persons or is done in the presence of other person.

Sexual contact between a health care worker and a patient is strictly prohibited and will constitute sexual misconduct, sexual assault and/or abuse, this includes intercourse as well as touching the patient's body with sexual intent. Unwanted or nonconsensual sexual contact (with or absent of force) involving a patient and another patient, workforce member, unknown perpetrator or spouse/significant other, while being treated or occurring on the premises of a DPH Program may constitute a criminal act punishable by law.

Any workforce member who witnesses or reasonably believes that inappropriate contact and/or sexual assault and/or abuse occurred to a patient must report it to his or her supervisor/head of the department or Administrative officer of the Day (AOD), local law enforcement, the DPH Quality Improvement & Patient Safety, and to the Risk Management hotline (562) 420-5959 following sentinel event reporting procedures.

If the violation involves a County workforce member, the DPH Performance Management unit must also be contacted (323) 890-8466.

DEFINITIONS

Abuse – Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Sexual abuse includes sexual harassment, sexual coercion and sexual assault (JCAHO).

REPORTING SUSPICIOUS INJURIES

In accordance with California Penal Code Section 11160, DPH requires any health practitioner working in a DPH health facility who is his or her professional capacity or within the scope of his or her assignment provides medical services to a patient who he or she knows or reasonably suspects has a suspicious injury to report such injury by telephone to local law enforcement immediately or as soon as practicable. Section 11160 requires the reporter to make a written follow-up report within two (2) business days to the same local law enforcement agency.

A suspicious injury includes any wound or other physical injury that either was:

- Inflicted by the injured person's own act or by another where the injury was by means of a firearm,
or
- Is suspected to be the result of assaultive or abusive conduct inflicted upon the injured person.

Health practitioners working in a DPH health facility who are engaged in compiling evidence during a forensic medical examination for a criminal investigation of sexual assault may be asked to release the report to local law enforcement and other agencies, the reports must be prepared on specific forms. Health practitioners must follow DPH HIPPA procedures documenting the release of such information

Section 11165.7 of the Penal Code reads:

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by any public or private school.
- (4) A classified employee of any public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- (9) Any employee of a county office of education or the State Department of Education, whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A Head Start program teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage, family, and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner, or any other person who performs autopsies.
- (29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the California Rules of Court.

(36) A custodial officer as defined in Section 831.5.

(37) Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not in and of itself a sufficient basis for reporting child abuse or neglect.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

Section 11166 of the Penal Code reads:

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her 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. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning the

incident. The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For the purposes of this article, "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 his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) Any report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If after reasonable efforts a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone follow-up call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written follow-up report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written follow-up report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse, or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the

scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practicably possible, by telephone and shall prepare and send, fax, or electronically transmit a written report of it with a copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(2) Penetration of the vagina or rectum by any object.

(3) Masturbation for the purpose of sexual stimulation of the viewer.

(4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county

probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.