

Child Abuse

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures relative to child abuse reporting requirements for all departmental employees.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

416.2 AUTHORITY AND REFERENCES

- Executive Committee;
- California Penal Code §§ 278, 278.5, 279.6, 647, 653.2, 841.5, 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.7, 11165.9, 11166, 11166(c), 11167, 11167.5;
- California Welfare and Institutions Code §§ 300, 305.

416.3 POLICY

The Riverside County Probation Department shall report all incidents of alleged child abuse to Child Protective Services (CPS) as required by law. All employees of the Riverside County Probation Department are considered mandated reporters within the scope of their employment.

416.4 MANDATORY NOTIFICATION

CPS shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual altercation between

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minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

416.4.1 NOTIFICATION PROCEDURE

The reporting of suspected child abuse shall occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report ([Suspected Child Abuse Report](#)) shall be forwarded within 36 hours of receiving the information concerning the incident.
- (c) Employees shall refer to the reverse side of the Suspected Child Abuse Report for specific instructions on completing the form and reporting procedures.

416.4.2 REPORTING REQUIREMENTS

Any person who is required to report instances of child abuse or suspected child abuse and fails to do so is guilty of a misdemeanor (Penal Code § 11166(c)).

416.5 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

416.5.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and departmental policy (Penal Code § 841.5; Penal Code § 11167.5).

416.6 TRAINING AND INFORMATION

The Riverside County Probation Department should provide training to all employees who are mandated reporters. This training shall include child abuse and neglect identification and reporting.

Regardless of training, prior to employment with the department, the department shall provide all employees with copies of sections 11165.7, 11166 and 11167 of the Penal Code. Employees shall also be required to sign a statement acknowledging they are aware of their status as a mandated reporter, their reporting obligations and the confidentiality of such information.

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