



CHILD WELFARE SERVICES

Mandated Reporter Collaboration

Policy and Procedure: CWS 18-04 Emergency Response
Effective Date: 10/12/18

OVERVIEW

California's Child Abuse and Neglect Reporting Act, Penal Code section 11164 et seq. (CANRA), is the state's "mandatory reporting" law that functions as the gateway to identifying potential victims of child abuse and neglect. The purpose of CANRA is to protect children by mandating the reporting of child abuse and neglect and ensuring the investigation of every report through increased communication and information sharing among child protective agencies.

California Penal Code Section 11165.7 lists the persons whose profession qualifies them as "mandated reporters" of child abuse or neglect. The list is extensive and continues to grow. It includes all school/district employees, administrators, and athletic coaches. All persons hired into positions included on the list of mandated reporters receive a statement, informing them that they are a mandated reporter and their obligations to report suspected cases of abuse and neglect pursuant to California Penal Code Section 11166.5.

One does not have to be physically present or witness the abuse to identify suspected cases of abuse, or even have definite proof that a child may be subject to child abuse or neglect. Rather, the law requires that a person have a "reasonable suspicion" that a child has been the subject of child abuse or neglect. Under the law, this means that it is reasonable for a person to entertain a suspicion of child abuse or neglect, based upon facts that could cause a reasonable person (with similar training and experience and in a similar situation) to suspect child abuse or neglect.

Child protective agencies including local child welfare and law enforcement agencies are required to accept all reports of abuse and neglect (regardless whether the reporter is "mandated" or not) and must ensure that every single one is screened, cross-reported, coordinated and investigated in a timely manner.

When private citizens report abuse or neglect, they can choose to remain anonymous. However, mandated reporters have to disclose their name. Child protective agencies and law enforcement must protect the identity of mandated reporters and may reveal the information in very limited situations. (Penal Code ' 11167.)

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After an investigation is completed, or the matter reaches final disposition, the investigating agency must inform a mandated reporter of the results of the investigation and any action the agency is taking. (Penal Code §11170.)

Child Welfare Services (CWS) is the designated agency in Humboldt County to receive reports of abuse and neglect and to file petitions bringing abused children within the jurisdiction of the Juvenile Court pursuant to Welfare and Institutions Code section 300 et seq.

POLICY

CWS policy regarding mandated reporters follows from CANRA, the California Welfare and Institutions Code, and Division 31 regulations.

Proof of abuse is not required. It is CWS policy to accept all reports of child abuse and neglect and maintain a record of all reports received. The screening social worker uses real-time data entry, the electronic “Call Tracking” system, and the electronic “Cross Reporting” system to ensure all data and information is immediately processed and available to ensure timely responses and cross reports to law enforcement.

When CWS receives a report that is outside of the geographic jurisdiction of Humboldt County, CWS immediately refers the report to the appropriate county or agency with jurisdiction.

It is the policy of Humboldt County CWS that investigating social workers collaborate with mandated reporters. Social workers contact mandated reporters at the onset of an investigation and follow-up with all non-mandated reporters as appropriate. Social workers document all contacts and efforts to contact in the CWS/CMS system. At the conclusion of an investigation, CWS provides mandated reporters a written summary setting forth the conclusion of the investigation and what next steps, if any, the agency intends to undertake.

PROCEDURE

General Screening Procedures:

1. The screening social worker follows the [CWS Intake Procedure](#) to accept all reports of abuse and neglect. Proof of abuse is not required
2. The screening social worker follows the [CWS Cross Reporting Procedure](#) to make cross reports to law enforcement or other agencies as applicable.

3. Following the [CWS Intake Procedure](#), the screening social worker gathers the necessary information and uses the [Structured Decision Making \(SDM\)](#) tool to determine whether the allegation meets criteria and set the response priority.
 - a. If the mandated reporter is a Humboldt County tribal social worker, the screening social worker follows the [CWS Intake Procedure](#) to complete the SDM tool jointly with the tribal social worker.
 - i. If there is a disagreement between the tribal social worker and the screening social worker regarding the appropriate disposition of the referral, the tribal social worker and the CWS social worker follow the dispute resolution procedure set forth in the [CWS Intake Procedure](#) and/ or the [Tribal Collaboration Procedure](#) as well as any applicable [government-to-government protocol](#).
 - b. If the mandated reporter is not a Humboldt County tribal social worker, after the SDM process is complete, the screening social worker contacts the mandated reporter by telephone to provide the mandated reporter their initial recommendation of next steps, including whether the decision is to evaluate out the referral to a differential response or community partner.
4. If the referral does not meet SDM criteria for investigation (is “evaluated out”), the screening social worker immediately, or as soon as practicably possible, sends an [Emergency Response Notice of Referral Disposition](#) letter to the mandated reporter.
 - a. The Emergency Response Notice of Referral Disposition must include a list of any referrals that CWS made for the family and/or the next steps that may happen to protect the child(ren) and prevent abuse and/or neglect.

Procedure for investigating social worker:

1. The investigating social worker calls the mandated reporter at the onset of the investigation:
 - a. If the mandated reporter is not a tribal social worker, the investigating social worker:
 - i. Notifies the reporting party (RP) of the opened investigation based on their report
 - ii. Asks whether the RP knows of any additional information, changes of circumstances, and/or additional collateral contacts.
 - b. If the mandated reporter is a tribal social worker, the investigating social worker follows the [CWS ER Investigation Procedure](#), the [Tribal Collaboration](#)

[Procedure](#), and any applicable [government-to-government protocol](#) to investigate the allegation jointly.

2. The investigating social worker accepts all additional information the RP may provide during the course of the investigation.
3. When CWS holds a Child and Family Team meeting during the investigation, the investigating social worker, in consultation with their supervisor, considers whether to invite the reporting party to attend the meeting:
 - a. If the mandated reporter is a tribal social worker, the investigating social worker follows the [CWS ER Investigation Procedure](#) and the [Tribal Collaboration Procedure](#) to ensure that the tribal social worker attends the meeting.
 - b. If the mandated reporter is not a tribal social workers, the CWS social worker evaluates the following factors in deciding whether to invite the mandated reporter to attend the meeting:
 - i. Knowledge of family dynamic;
 - ii. Insight into child's behaviors and needs;
 - iii. Knowledge of family substance use history;
 - iv. Knowledge of family mental health history;
 - v. Knowledge of family health history
 - vi. Other factors as applicable.
4. At the conclusion of the investigation, the investigating social worker sends an [Emergency Response Notice of Referral Disposition](#) letter to the mandated reporter.
 - a. The Emergency Response Notice of Referral Disposition must include a list of include the disposition of the investigation and list the referrals that CWS made for the family and/or the next steps that may happen to protect the child(ren) and prevent abuse and/or neglect.