

 <p style="text-align: center;">County of Sacramento Department of Health Services Division of Behavioral Health Services Policy and Procedure</p>	Policy Issuer (Unit/Program)	BHS-CMH-YDF
	Policy Number	04-01
	Effective Date	10/2009
	Revision Date	07/2017
Title: Child Abuse Reporting		Functional Area: Legal
Approved By:		
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Background/Context:

Juvenile Justice Institutions Mental Health Team (JJIMHT) members report suspected instances of child abuse to the designated authorities as required by law. A report must be made when a 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 he or she knows or reasonably suspects has been the victim of abuse and/or neglect.

Definitions:

1. Physical abuse: Injury inflicted by other than accidental means upon a child, or intentionally injuring a child.
2. Neglect: whether general or severe must be reported if the perpetrator is a person responsible for the child's welfare. It includes both acts and omissions that harm or threaten to harm the welfare of the child.
 - A. General neglect: means the failure of a caregiver of a child to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred.
 - B. Severe neglect: means the intentional failure of a caregiver to provide adequate food, clothing, shelter or medical care where injury has occurred or is likely to occur. Severe neglect also includes those situations of neglect where any person having care and custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered (i.e. abuse of alcohol or drugs, domestic violence).
3. Sexual abuse: includes sexual assault or sexual exploitation of any child under the age of 18 years. Sexual assault includes sex acts with children, intentional masturbation in the presence of children and child molestation. Sexual exploitation includes preparing, distributing or selling pornographic materials involving children; performances involving obscene sexual conduct and child prostitution.
4. Willful cruelty or unjustified punishment: includes inflicting or permitting unjustifiable physical or mental suffering, or the endangerment of the child's person or health. Mental suffering in and of itself is not required to be reported; however, it may be reported.

Purpose:

The intention of this policy and procedure is to define the protocol JJIMHT members will follow when making a mandated report of child abuse.

Details:

1. Reporting
 - A. When a youth discloses information which establishes a basis for suspected child abuse or neglect a report must be made to Child Protective Services (CPS) at (916)875-5437 within 24 hours of the disclosure. A written report must follow within 36 hours of the disclosure.
 - B. In all instances of suspected child abuse, a report to CPS must be made. Assumption that another agency or professional person has already filed a Child Abuse Report does not relieve the mandated reporter from reporting.
 - C. When staff members are in doubt about whether or what to report, they must consult with the JJIMHT Program Coordinator and/or contact CPS at (916)875-5437 to determine if a report is warranted.
 - D. Failure to report is a misdemeanor, punishable by a fine of not more than \$1,000 or imprisonment in the county jail for not more than six months, or both.
 - E. Any allegation of abuse reported to a JJIMHT member by a youth against a staff member of the Youth Detention Facility must be reported immediately to the JJIMHT Program Coordinator who will notify Probation Administration of the allegation for investigation purposes.
2. Documentation and Filing
 - A. CPS uses a standardized written form entitled "Suspected Child Abuse Report." Printed copies of the form and instructions for completion are located in the forms area of the mental health suite.
 - B. Mandated reporters may also file a "Suspected Child Abuse Report" electronically by obtaining a password during the phone call to CPS and following the following link: <http://www.dcfas.saccounty.net/cps/pages/emergency-response/gi-suspectedchildabuseonlineform.aspx> A copy of the report must be generated for inclusion in the youth's electronic mental health record.
 - C. Reports not submitted electronically shall be covered with a US Postal Service Privacy Statement page, placed in a sealed envelope and stamped with "confidential." The sealed envelope shall then be placed in an inter-office envelope and sent to CPS via the inter-office mail system. The inter-office envelope shall be addressed to CPS Intake, mail code: 114-01.
 - D. The completed Suspected Child Abuse Report shall be scanned into the youth's electronic mental health record under the "Legal-Sensitive" section and described as "CPS Report XX-XX-XXXX."
 - E. Complete an Accounting of Disclosures Form and scan into the youth's electronic medical record under the "HIPAA" section and described as "Accounting of Disclosure Log."

- F. A copy of the completed Suspected Child Abuse Report will be provided to the Supervising Probation Officer for inclusion in the youth's Probation record.
- G. If the clinician receives a Notice of Referral Disposition, the form will be scanned into the youth's electronic mental health record under the "Legal-Sensitive" section and described as "CPS Notice of Dispo."

Related Policies:

BHS-CMH-YDF-02-03-Confidentiality

BHS-CMH-YDF-08-02-DBHS Compliance Program

BHS-CMH-YDF-08-07-Record Management

BHS-CMH-YDF-08-09-Release of Protected Health Information

BHS-CMH-YDF-08-12 Accounting of PHI Disclosures

BHS-CMH-YDF-09-07-Probation Issued Code of Conduct

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