

# FAMILY PRACTICE MEDICAL GROUP OF SAN BERNARDINO, INC

## Child Abuse Reporting Requirements Employee Acknowledgement Form

(CA Penal Code 11164-11174, CA Health & Safety Code 1797, CA Business and Professions Code 2913, 4980)

***California law requires mandated reporters to routinely screen their patient population for instances of child abuse. And those mandated reporters who have knowledge of, or observes, a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse to report the known or suspected incident of child abuse to a local or state child protective agency (California Protective Services – CPS), the police department, sheriff's department, a county probation department or county welfare department or by calling the Childhelp USA @ (800) 4-A-CHILD or the National Child Abuse Hotline @ (800) 540-4000 immediately or as soon as possible by telephone, and to prepare and send a written DOJ report to the same agency within 36 hours of receiving the information concerning the incident.***

For purposes of this section, healthcare professional “mandated reporters” include physicians, surgeons, psychiatrists, psychologists, psychological assistants, child counselor trainees, dentists, residents, interns, podiatrists, chiropractors, nurses, dental hygienists, optometrists, marriage/family/child counselors (licensed and unlicensed), EMTs I or II, paramedics, coroners, state or county public health employees who treat minors, religious practitioners who diagnose, examine or treat minors, child care custodians and any other person who is licensed under Division 2 (commencing with section 500), and subdivision (c) of Section 4980.03, and Section 4980.44 and Section 2913 of the Business and Professions Code and Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

The Child Abuse and Neglect Reporting Act defines child abuse as “any act or failure to act, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act that presents an imminent risk of serious harm.” Abuse includes sexual, physical, neglect, emotional/mental/verbal, willful cruelty or unjustifiable punishment, unlawful corporal punishment, abuse or neglect in out of home care, and teen dating abuses. Children are defined as all ages under the age of 18. The Keeping Children and Families Safe Act of 2003 added to this definition the responsibility of health care practitioners treating pregnant women to report maternal substance abuse to CPS, and health care practitioners involved in delivery and care of infants to notify CPS of any occurrence of infants born and being identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal exposure.

The reporting duties of mandated reporter are individual and cannot be delegated to another individual. If 2 or more mandated reporters are present in a situation, they may, by mutual agreement, designate one of themselves to make the required telephone and written reports. However, if a mandated reporter becomes aware that the designated individual failed to report, he/she must then report. Failure to report child abuse as prescribed above is a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine. A healthcare practitioner may also be liable in civil court for damages that occur if the child is further victimized because of a failure to report the abuse. A healthcare practitioner may also lose his/her license or credential.

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Supervisors or administrators may not impede or inhibit reporting by a mandated reporter, nor may they take any actions against the reporter for making a report. Any supervisor or administrator who violates this, is guilty of an infraction punishable by a fine not to exceed \$5,000.00.

Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporter's name confidential, unless a court orders the information disclosed.

Mandated reporters are not required to notify the parents that a report is being made.

I understand that I am a legally mandated reporter and hereby attest that I understand my obligation to report child abuse as described above and will fulfill this obligation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_

Phone #: \_\_\_\_\_