

What is Child Abuse & Neglect?

Per Penal Code 11165

Definition: Sexual Abuse

The victimization of a child by sexual activities, including molestation, indecent exposure, fondling, rape, sodomy, inappropriate sexual boundaries, and/or any other sexual activity performed in the presence of a child for the sexual gratification of the offender.

Definition: Physical Abuse

- Physical injury: bodily injury inflicted by other than accidental means
- Willful cruelty or unjustifiable punishment: physical pain, mental suffering or child's health is endangered
- Or unlawful corporal punishment: cruel or inhuman punishment or injury resulting in a traumatic condition

Definition: Emotional Abuse

Nonphysical mistreatment resulting in disturbed behavior by the child, such as: severe withdrawal, depression, anxiety, or untoward aggressive behavior towards self or others, suicide attempts or assault

Definition: General Neglect

The negligent failure of a parent, guardian or other caretaker to provide adequate: food, clothing, shelter, medical treatment or supervision where no physical injury to the child has occurred

Definition: Severe Neglect

Refers to those situations of neglect where the child's health and life are endangered. Includes: neglect that results in serious injury to a child, severe malnutrition, (non-organic) failure to thrive, or failure to protect

Definition: Exploitation

Means forcing or coercing a child into performing activities that are beyond the child's capacity to consent, their capabilities, or are illegal and/or degrading, such as: sexual exploitation (pornography), criminally sexually exploited children, forcing a child to sell drugs, having a child steal, using a child to panhandle, etc. This includes Criminally Sexually Exploited Children (CSEC).

Caretaker Absence or Incapacity (per Welfare & Institutions Code § 300)

- Absence: The parent has abandoned the child; the parent left the child with a caretaker who can no longer provide for the child's care; parent has not ensured provisions for the child's care, or parent's whereabouts is unknown.
- Incapacity: Parent is unavailable to provide care. They may be incarcerated or institutionalized and/or cannot provide for child's care due to mental illness, substance abuse, criminal activity, or developmental delay

When to report

Penal Code Section 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.

Mandated Reporter Training: KCDHS can provide public agencies with training on Mandated Reporting
Contact KCDHS Staff Development, Shannon Ashburn: (661) 631-6546 or ashburs@kerndhs.com

Reasonable Suspicion

You DO NOT have to be *absolutely* sure abuse or neglect occurred before reporting. “Reasonable suspicion occurs when it is objectively reasonable for a person to entertain such 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.”

Gathering Sufficient Information to support Reasonable Suspicion

Only gather sufficient information to sustain a reasonable suspicion that abuse or neglect occurred.

- You need some evidence and facts:
 - What happened?
 - Are there any observable injuries?
 - Is the child afraid to go home?
 - Are you aware of other instances?
 - Do the facts support the definitions of child abuse?
 - Can you get basic identifying information?
- It is okay to ask simple questions, “Oh, honey, what happened to your eye?” When they answer, (or don’t) document and submit SCAR as appropriate. Be concerned but not shocked. Don’t ask multiple times – the child can think you didn’t like the first answer, so they may change it. It can be damaging to “over interview”, child may retract statements, or your attitude or suggested answers may corrupt investigation
- Show appropriate concern and support for the child and his/her emotions
- If there is an injury or immediate concern, you can call law enforcement first. If you then call CPS, please let us know that you already called law enforcement

Immunity

Mandated Reporters have immunity from civil or criminal liability for reporting suspected child abuse or neglect. We do not tell who is reporting party, but if the child ONLY went to school or doctor, the parent may suspect and/or accuse school or medical staff. It is your responsibility not to confirm that a report was made.

Who is responsible for Reporting?

The individual with the original suspicion must report, but if multiple people in the same agency saw something, it is okay to have only one person call and submit the SCAR. If an agency has an administrator who performs this function, and there is disagreement, the individual with the original suspicion is still responsible for reporting. No supervisor or administrator may impede or inhibit a report or subject the reporter to any sanction.

Anonymous Reporting

Mandated Reporters are required to give their names and agency address. A mandated reporter may not report anonymously. The reporting party’s name is kept confidential.

Liability

Mandated reporters can be criminally liable for failing to report: Misdemeanor offence, Six months in jail, or \$1000 fine. Mandated reporters can also be civilly liable for failure to report especially if child victim or another child is further victimized

MAKING THE REPORT:

Kern County Mandated Reporting Procedures



Imminent Danger: 9-1-1



- In any case in which you believe the child is in imminent danger or immediate risk of injury or harm of any kind, call 9-1-1 so law enforcement may immediately intervene and assess the situation.
- In many of these situations, law enforcement will request Child Welfare Services to respond to the scene to assist them or follow up later to assess the child's safety and the family's circumstances.
- Reporting directly to law enforcement satisfies your legal reporting obligations as a mandated reporter

For all other circumstances, you can call:

- Law Enforcement – Call the agency with jurisdiction (check by calling)
- Kern County Department of Human Services (KCDHS) - Child Protective Services (CPS)



KCDHS 24-Hour Hot-Line - **Make a VERBAL report!**

Call first – It's the law! DO NOT JUST FAX!

- KCDHS - CPS maintains a 24-hour a day, 7 days a week, phone line for the community to report child abuse or neglect.
- The phone number is (661) 631-6011. After 5 PM, weekends and holidays, leave a brief message with your name and phone number. A social worker will call back as soon as possible.
- The KCDHS 24-hour phone line is manned by trained social workers, who will answer questions, provide guidance and take referrals.
- It is best to have the SCAR (Suspected Child Abuse Report) form in front of you when you call. This ensures that you complete it correctly and provide the same information to the screener that you put on the form.

THEN Follow-Up (Mail/Fax) with the Written Report

Suspected Child Abuse Report (SCAR)



- Mandated Reporters must follow-up all verbal reports with a written report within 36 hours. Sooner is better.
- The SCAR document is available in PDF format at the following government website: https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf
- The original SCAR should be sent to the agency receiving the verbal report – either Child Protective Services (CPS) or Law Enforcement.
- For KCDHS - CPS email, mail, or fax the SCAR
 - Email to: KernCPSHotline@kerndhs.com
 - Mail to: KCDHS – CPS (SCAR Enclosed), PO Box 511, Bakersfield, California 93302, or bring the form to our department located at 100 East California Avenue, Bakersfield, CA 93307
 - FAX (661) 631-6568: Please include a phone number where you can be reached should KCDHS emergency personnel need to make a follow-up call
- For Law Enforcement send the SCAR to the agency of Jurisdiction

How to Complete a SCAR

For ease and efficiency, we would like to provide you with a few helpful reporting hints:

- ◇ The **VERBAL** report of suspected child must be made immediately, or as soon as possible, by **PHONE**. **Please DO NOT fax in lieu of a verbal report.** The hotline personnel need to speak directly to the mandated reporter to acquire all the important information needed to assess the circumstances. We will ask LOTS of Questions! We're not asking you to investigate, but the more we know, the better we can decide how best to handle the referral. The "hard copy" or *Suspected Child Abuse Report* (SCAR) may then be emailed, faxed, or mailed within 36 hours. It is not necessary to do both. When mailing, indicate "**SCAR Enclosed**" on the outside of the envelope.
- ◇ In the **REPORTING PARTY** section, include your name. If multiple people have knowledge of the incident, it is acceptable to have only one person from the agency submit the SCAR. Information from multiple staff persons should be compiled into one report. "Mandated Reporter Category" is your occupation or field – teacher, doctor, nurse, minister, etc. Include your employer/agency's name, your work (physical & mailing) address – including city and zip code, and your work telephone number.
- ◇ In the **REPORT NOTIFICATION** section, check the agency that you contacted (law enforcement or CPS, if you contacted CPS, enter our mailing address (Kern Co. CPS or KCDHS, PO Box 511, Bakersfield, CA 93302). Also enter the date and time of your phone call, the name of the person you talked to, and the agency's phone number (Kern CPS: (661)631-6011).
- ◇ In the **VICTIM** section, put the child victim's name. Please indicate spoken language! If siblings are also victims, just indicate that in the sibling section (Under Involved Parties) or explain the situation when you give the narrative description. Additional Suspected Child Abuse Reports are not needed for each sibling.
- ◇ In the **INVOLVED PARTIES** section, indicate sibling/parent/suspect information. Enter in the mother's name, even if she doesn't live in the home or is deceased. Put in the father's name and indicate if he is a biological father, stepfather or mother's boyfriend. Include the city and zip code. Please indicate spoken language or other important information under "Other Relevant Information."
- ◇ In the **INCIDENT INFORMATION** section, please write clearly or, if you choose, you may just write "see attached" and provide the information on typed/printed attachments. Use plain language. Explain medical terms used. Do not use uncommon abbreviations. Use as many additional sheets of paper as needed.
- ◇ **And remember, Child Welfare Services has jurisdiction to protect children from adults or caretakers that live in the child's home (including foster or group)**, not from adults that live outside of the child's home, such as teachers, doctors, neighbors, etc. Abuse that is caused by these "out-of-home" perpetrators will not be investigated by CPS and should be referred to law enforcement.
- ◇ **Cross Reporting:** Reporting directly to law enforcement does satisfy your legal reporting obligation as a mandated reporter.

Summary: If you have a reasonable suspicion of child abuse or neglect:

1. Call law enforcement or the KCDHS CPS Hot Line at (661) 631-6011.
2. Send written SCAR: FAX to (661) 631-6568; or email to: KernCPSHotline@kerndhs.com; or mail to: KCDHS – CPS (SCAR Enclosed), P.O. BOX 511, BAKERSFIELD, CA 93302.
3. The Suspected Child Abuse Report (SCAR) forms can be obtained at:
https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf