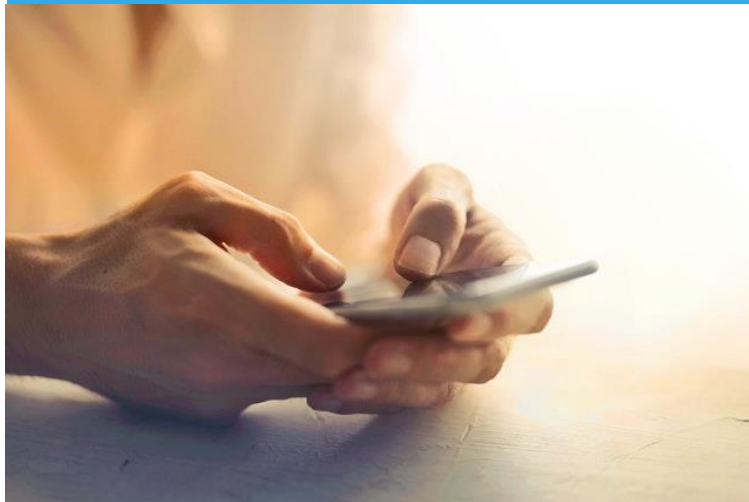




Reporting Child Abuse

Daniel Little, Director Department of Family and Children's Services
County of Santa Clara

Guidelines



<https://capc.sccgov.org/child-abuse-reporting-guidelines>

- ☐ **Involuntary Sexual Activity** is always reportable.
- ☐ **Incest**, even if voluntary is always reportable
- ☐ **Voluntary Sexual Activity** may or may not be reportable
- ❖ Mandated reports of sexual activity must be reported to either The Department of Family & Children's Services (DFCS) or to the appropriate police jurisdiction.
- ❖ Failure to report known or reasonable suspicion of child abuse, including sexual abuse, is a misdemeanor. Mandated reporters are provided immunity from civil or criminal liability as a result of making a mandated report of child abuse.

A. Child younger than 14 years old

"Child" refers to the person that the mandated child abuse reporter is involved with.	Definitions and Comments	Mandatory Report	Not Mandatory Report
1. Partner is younger than 14 years old and of similar chronological or maturational age. Sexual behavior is voluntary & consensual. There are no indications of intimidation, coercion, bribery or other indications of an exploitive relationship.	See, <i>Planned Parenthood Affiliates of California v. John K. Van De Kamp</i> (1986) 181 Cal. App. 3d 245 (1986) & <i>In re Jerry M.</i> 59 Cal. App. 4th 289		X
2. Partner is younger than 14 years old, but there is disparity in chronological or maturational age or indications of intimidation, coercion or bribery or other indications of an exploitive relationship.		X	
3. Partner is 14 years or older.		X	
4. Lewd & Lascivious acts committed by a partner of any age.	The perpetrator has the intent of "Arousing, appealing to or gratifying the lust, passions, or sexual desires of the perpetrator or the child".?	X	
5. Partner is alleged spouse and over 14 years of age.	The appropriate authority will determine the legality of the marriage.	X	

B. Child 14 or 15 years old

"Child" refers to the person that the mandated child abuse reporter is involved with.	Definitions and Comments	Mandatory Report	Not Mandatory Report
1. Partner is less than 14		X	
2. Unlawful Sexual Intercourse with a partner older than 14 and less than 21 years of age & there is no indication of abuse or evidence of an exploitive relationship.			X
3. Unlawful Sexual Intercourse with a partner older than 21 years of age.		X	
4. Lewd & Lascivious acts committed by a partner more than 10 years older than the child.	The perpetrator has the intent of "Arousing, appealing to or gratifying the lust, passions, or gratifying the lust, passions, or sexual desires of the perpetrator or the child".	X	
5. Partner is alleged spouse and over 21 years of age.	The appropriate authority will determine the legality of the marriage.	X	

C. Child 16 or 17 years old

"Child" refers to the person that the mandated child abuse reporter is involved with.	Definitions and Comments	Mandatory Report	Not Mandatory Report
1. Partner is less than 14		X	
2. Unlawful Sexual Intercourse with a partner older than 14 & there is no indication of an exploitive relationship.			X
3. Unlawful Sexual Intercourse with a partner older than 14 & there is evidence of an exploitive relationship.		X	
4. Partner is alleged spouse and there is evidence of an exploitive relationship.	The appropriate authority will determine the legality of the marriage.	X	

Mandated Reporters

<https://www.mandatedreporter.ca.com/who-should-report>

Who Should Report



School
Personnel



Child Care
Providers



Medical
Professionals



Mental &
Social Health



Law
Enforcement



Clergy



Volunteers

Mandated Reporter's ROLE

Clarify, Not Investigate

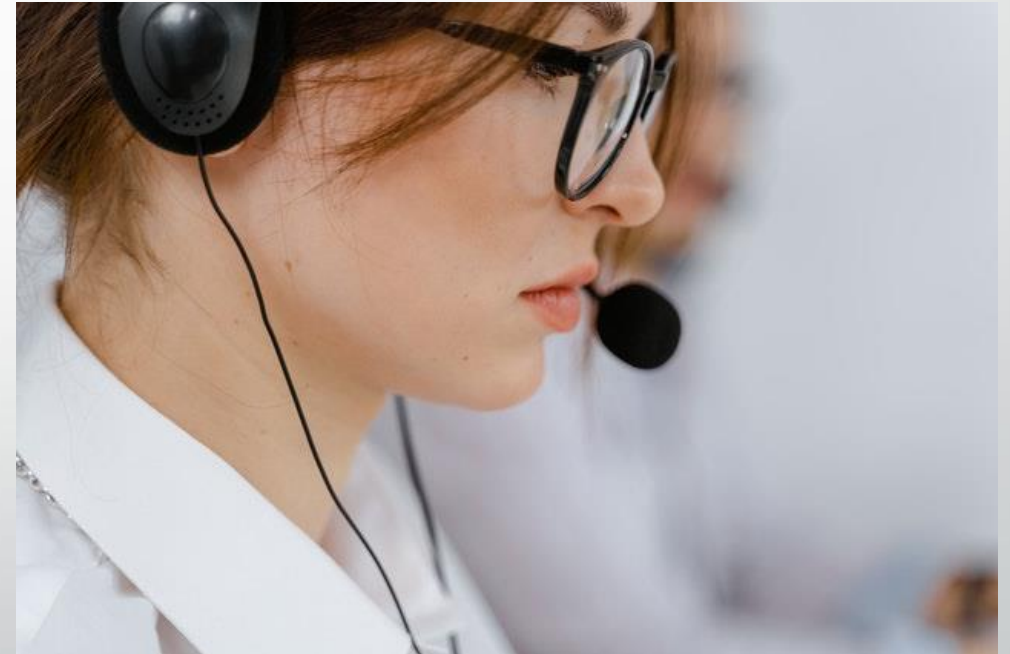
Your responsibility as a Mandated Reporter is to report known or suspected child abuse or neglect, not to investigate or determine whether there actually was abuse or neglect. The duty and responsibility to investigate belongs to the child protection agency.

To Report Child Abuse

In cases of an immediate emergency, always call **9-1-1** for Law Enforcement intervention. Where the situation is not an emergency needing the police, reports should be made to the Child Abuse and Neglect Hotline in the following areas:

- ✓ **Santa Clara County 24-hour Hotline
(Child Abuse and Neglect Center – CANC):
1-833-SCC-KIDS (833-722-5437)**

<https://capc.sccgov.org/reporting-child-abuse>



Hotline Tool

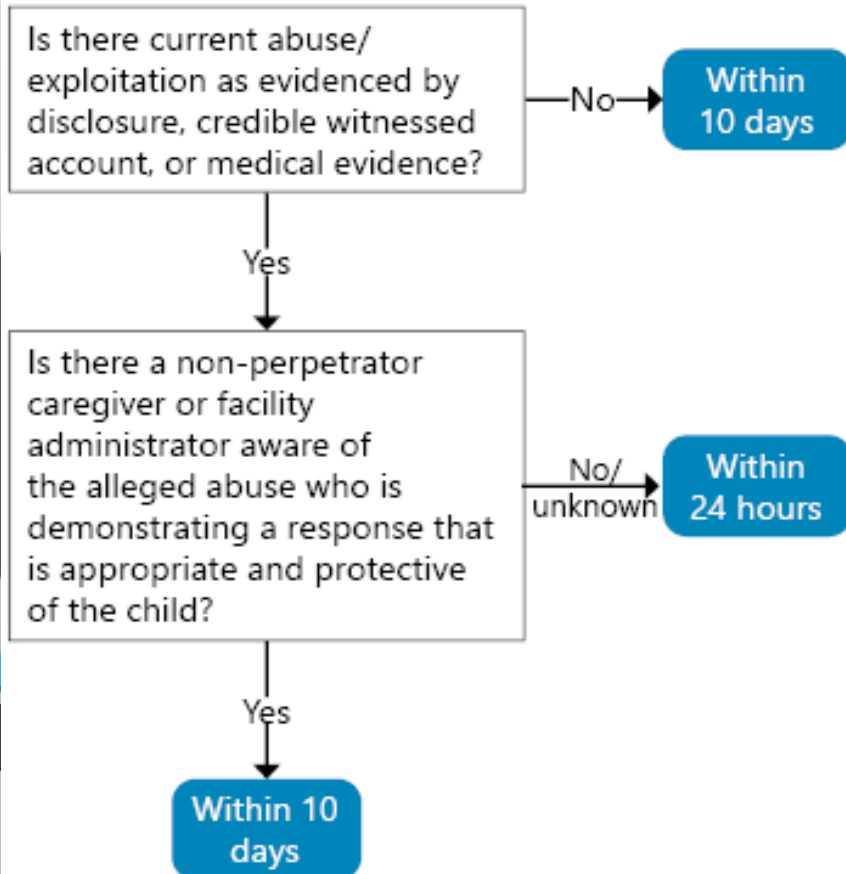
Sexual Abuse (go to sexual abuse tree)

- ☐ Any sexual act on a child by an adult caregiver or other adult in the household, or unable to rule out household member as alleged perpetrator
- ☐ Physical, behavioral, or suspicious indicators consistent with sexual abuse
- ☐ Sexual act(s) among siblings or other children living in the home
- ☐ Sexual exploitation
 - ☐ Caregiver actively involved child/youth in acts of exploitation or trafficking
 - ☐ Child/youth is exploited or trafficked by someone other than a caregiver.
- ☐ Threat of sexual abuse
 - ☐ Known or highly suspected sexual abuse perpetrator lives with child
 - ☐ Severely inappropriate sexual boundaries

Child Abuse & Neglect Center (CANC)

Sexual Abuse

Sexual Abuse Tree



Is there current abuse/exploitation as evidenced by disclosure, credible witnessed account, or medical evidence?

- Disclosure may be verbal or nonverbal (e.g., extreme sexual acting-out behavior). Medical evidence includes medical findings related to sexual abuse and suspicious findings such as sexually transmitted diseases in young children.

Is there a non-perpetrating caregiver aware of the alleged abuse/exploitation who is demonstrating a response that is appropriate and protective of the child?

- A non-perpetrating caregiver is aware that sexual abuse has been alleged, and he/she supports the child's disclosure AND demonstrates the ability to prevent the alleged perpetrator from having access to the child. The non-perpetrating caregiver will not pressure the child to change his/her statement and will obtain or has obtained medical treatment for the child as needed.

What Happens After The Call?

Response Types from CPS

JOINT RESPONSE (JR)-60 minute response time. Initiated by Law Enforcement when there is a situation where child abuse/neglect has occurred or there is substantial risk of abuse and/or neglect to occur to a child which may result in protective custody of a child. The officer waits at the scene for the Social Worker to arrive and does not leave until there is a determination as to what will happen with the child.

Purpose- Perform a Joint Investigation where social worker's and officer's mandates are met with the intent to decrease trauma to the child and family while keeping the child safe. Joint Response protocols are covered in more detail in the Santa Clara County Child Abuse Protocol for Law Enforcement

<https://countyda.sccgov.org/sites/g/files/exjcpb1121/files/Child%20Abuse%20Protocol%20for%20Law%20Enforcement%202019.pdf>

IMMEDIATE RESPONSE (IR)- 2 to 24 HR. The social worker responds to the location of the child to assess for safety. Depending on the severity or type of injury or disclosure of sexual abuse by the child, the Social Worker may call Law Enforcement for assistance.

What Happens After The Call?

Response Types (Cont.)

- **10 Day Referral- GENERAL/FOLLOW UP RESPONSE-**
- When there is no immediate risk to the health or well being of a child.
 - The department is required to make contact with the child within 10 days of the report being made. These allegations are less severe and do not appear to pose an immediate risk to the health or safety of the child.
- **INFORMATION ONLY/NO RESPONSE** -This is when the information provided does rise to the legal definition of child abuse and there is no current risk to the child. These can be referred to community based organizations through differential response path.

Child Advocacy Center

- Our CAC provided the California Forensic Interview Training (CFIT) and Minimal Fact Interviewing training.
- DFCS has a staff member stationed at the CAC who has completed the CFIT training.
- Any law enforcement agency conducting interviews at the CAC will be required to complete the CFIT.
- Goal is for all youth 0-17 and adults with developmental delays who have experienced sexual abuse or assault will have their forensic interview completed by a certified forensic interviewer at the CAC
- The CAC plans to host another CFIT in Spring 2022 along with a 1-2 day Minimal Fact interview training for law enforcement and DFCS.

National Training Resources

- <https://www.nationalcac.org/online-training-catalog>
 - National Children's Advocacy Center
- <https://www.apsac.org/blog/categories/apsac-trainings>
 - The American Professional Society on the Abuse of Children
- <https://cirinc.org/catta/archive.html>
 - Child Abuse Training and Technical Assistance Center

Local Training Resources

- www.caltica.org

- California Trauma-Informed Care Academy

- The California Trauma Informed Care Academy (CalTICA) is designed to provide a baseline on the neurobiology of trauma and best trauma-informed practices for multidisciplinary professionals. The course is free and available online 24/7. Anyone who is interested in learning about trauma-informed care can take the course.

- Modules for: Medical/Advocates/CPS/Law Enforcement/Caregivers/Educators/Public Health

- [Training – Seneca Family of Agencies \(senecafoa.org\)](http://senecafoa.org)

- Available to MSW students, foster and adoptive parents, prospective relative guardians, public and private providers working in the child welfare system, court and legal personnel working with youth in foster or probation care, and public/private providers working with youth in the probation system

- [Child Parent Institute : Greater Bay Area Child Abuse Prevention Council Coalition : Home \(calparents.org\)](http://calparents.org)

DFCS Social Worker Trainings

Social Work Academy

- Sexual Abuse/Maltreatment
 - **Child Maltreatment Identification Skills Lab:** This 2-day classroom module contains activity based skill building exercised for child welfare social workers, and offer trainer facilitate vignette activities that provide a framework for identifying child maltreatment using direct observation, interview, and consultation.
- Interviewing
 - **Engagement and Interviewing:** This 1-day skill building class provides opportunities to practice interviewing skills with children and families in a child welfare setting. Additional information is provided on formulating questions, responding with empathy and gathering key information for case work planning.
 - **Interviewing Children:** This 1-day class introduces the 10-step model for interviewing children and provides practice opportunities for these steps.
- Trauma informed/Understanding Trauma
 - **Trauma Informed Systems (TIS) 101:** This ½ day class explores how trauma and stress impacts developing bodies and brains, communities, organizations and systems. Participants will learn strategies to develop organizational resilience and trauma-informed responses in workplace relationships.
 - **Trauma Informed Practice:** This 1-day module provides skill activities about trauma-informed practice (including secondary traumatic stress and stress management).
- CSEC
 - **CSEC 101:** In this 1-day class, the following will be explored: basic components of human trafficking laws; elements of CSEC; how human trafficking laws relate to exploited children; mandatory reporting; and, the intersection of CSEC, DMST, and the juvenile justice and child welfare systems (including designation of CSEC as child maltreatment.)

DFCS Social Worker Trainings

Training for all DFCS staff

- **CSEC 101:** This training is also offered several times per year for existing staff
- **Alia Trauma Competencies:** Although not specifically targeting sexual abuse, this training series focused on how trauma impacts youth who have experienced congregate care, the effects of secondary trauma on social work staff, and how policies and procedures can become trauma informed
- **In Development**
 - Beginning in October 2021, DFCS is exploring a training series for “Responding to Sexual Abuse.”

Questions
