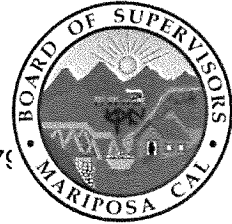


MARIPOSA COUNTY

Human Resources/Risk Management • (209) 742-1379



RESOLUTION - ACTION REQUESTED 2017-557

MEETING: August 15, 2017
TO: The Board of Supervisors
FROM: Steve Johnson, Human Resources Director - Risk Manager
RE: Adopt a Mandated Reporting Policy

RECOMMENDATION AND JUSTIFICATION:

Adopt a County-wide Mandated Reporting Policy.

Staff is recommending that the Board of Supervisors adopt a County-wide Mandated Reporting Policy.

Under California law, there are two statutory requirements that designate certain individuals to be mandated reporters: the "Child Abuse and Neglect Reporting Act" (Penal Code §§11164, et seq.), and the "Elder Abuse and Dependent Adult Civil Protection Act" (Welfare and Institutions Code §§15600 et seq.).

A mandated reporter is an individual who is obligated by state law to report known or suspected cases of child, elder or dependent adult abuse and neglect to any law enforcement agency, child protective or welfare services agency.

Certain categories of County employees fall under the definition of "mandated reporter." Therefore, this Policy shall serve to address the requirements of the law, including identifying the reporting procedures for employees to follow when reporting cases of suspected child, elder or dependent adult abuse. This Policy shall also address the recommended procedures for County employees, volunteers, and independent contractors who are not considered legal mandated reporters.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County currently does not have a Mandated Reporting Policy in place.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

A non-affirmative vote will mean that the County is not in full compliance with California law.

ATTACHMENTS:

Mariposa County Mandated Reporting Policy August 2017 (DOCX)

CAO RECOMMENDATION

Requested Action Recommended

Dallin Kimble
Dallin Kimble, County Administrative Officer 8/10/2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

Mariposa County

MANDATED REPORTING POLICY

Purpose

The Child Abuse and Reporting Act ("CANRA"), is designed to protect victims of child abuse and neglect by imposing a "mandatory reporting requirement on those whose professions bring them into contact with children." It is the policy of the County to comply with its obligations under CANRA, to require all County employees who are mandated reporters to make the required reports to child protection or law enforcement agencies, and more broadly to encourage all County employees who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a County facility or perpetrated by County personnel to promptly report the concern. To that end, this policy:

- Identifies County employees who are mandated reporters under CANRA;
- Establishes the procedure for notifying employees of their CANRA responsibilities;
- Requires training for mandated reporters to ensure that applicable employees have access to the information needed to fulfill their mandated child abuse reporting obligations; and
- Requires posting of mandated reporting procedures in a location readily accessible to all employees in the Sheriff's Office, the Human Services Department, and the Community Services Department.

Policy

CANRA defines "mandated reporter" to include an administrator of a public day camp, an administrator or employee of a public youth center, youth recreation program, or youth organization, an administrator of a public organization whose duties require direct contact with children, and any employee of a law enforcement department. All County employees that perform as "child care custodians" are mandated child abuse or neglect reporters.

Reporting Obligations

External Reporting: All mandated reporters must report observed or reasonably suspected child abuse or neglect to the local law enforcement agency (Sheriff's Office) or the County Human Services Department (Child Protective Services). Initial external reports must be made immediately by telephone followed by a written report within 36 hours. The written report must include certain information as specified in CANRA, including:

- The name, business address and telephone number of the mandated reporter;
- The capacity that makes the person a mandated reporter;
- The information that gave rise to the reasonable suspicion of child abuse or neglect;
- The source of that information;
- The child's name (if known);
- The child's address and present location (if known);

- The name, address, and telephone number of the child's parent or guardian (if known); and
- The names, addresses, telephone numbers and other relevant personal information about the person who might have abused or neglected the child (if known).

The written report may be submitted on form SS 8572, available online at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf (reporting instructions are available at http://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/8572_instruct.pdf?)

Failure to make a mandated external report required under CANRA may result in criminal penalties.

Internal Reporting: Under this regulation, mandated reporters must also promptly report observed or reasonably suspected child abuse or neglect to their supervisor, manager or director, or to the Human Resources Director. The internal reports may be made anonymously. Supervisors who receive these internal reports should promptly forward the report to the Human Resources Director.

An internal report does not substitute for a mandated reporter's required external reports under CANRA or other applicable laws.

Other County Employees

County employees, officials, and volunteers who are not otherwise mandated reporters required to make external reports are nevertheless required to report observed or suspected child abuse or neglect to their supervisor, manager, or director or to the Human Resources Director.

Notification to Mandated Reporters

Upon hire or a new term of employment with the County, employees who are identified as mandated reporters will be given information about their CANRA obligations, including a document that addresses frequently asked questions regarding CANRA reporting.

Acknowledgment

Employees who are identified as mandated reporters must sign an acknowledgement of their mandated reporter obligations. The acknowledgment will be kept in the employee's personnel file.

Mandatory Training

Employees designated as mandated reporters must complete training in mandated reporting upon hire. The required training will be as directed by the Human Resources Director, or his or her designee.

NOTE: Mandated reporters must comply with the reporting duties imposed by CANRA whether or not they have received training from the County or any third party.

Posting Requirements

Information regarding how to report suspected child abuse or neglect will be posted in the Recreation office in a location easily accessible by and visible to all employees.

Disciplinary Action

Failure to make a mandated report under this Policy may result in disciplinary action up to and including termination in accordance with County Policy.

No Retaliation

No County employee or official may impede or inhibit a mandated reporter's duties, nor impose any sanction on any person making a good-faith report under CANRA or under this Policy. No retaliation against anyone for making a good-faith report under this Policy or CANRA will be tolerated. Retaliation against any good-faith reporter will be handled in accordance with County policies and procedures prohibiting harassment, discrimination, and retaliation.

Indemnification and Immunity

The County will, consistent with applicable law, defend and indemnify County employees in any civil action arising from a good faith report of child abuse or neglect required or encouraged under this policy. CANRA provides immunity from liability and other protections to mandated reporters.