I. **Acknowledgement of Child Abuse Reporting Requirements**

State law requires that any person who enters into employment on or after January 1, 1985 as a child custodian, medical practitioner, or nonmedical practitioner, or with a child protective agency, prior to commencing employment shall sign a statement that he/she has knowledge of the provisions of Section 11166 of the Penal Code and will comply with its provisions.

Section 11166 of the Penal Code requires any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has a 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 a child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone, and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

Any person who fails to report an instance of child abuse which he/she knows to exist or reasonably should know to exist, as required, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than $500 or by both.

The law also provides that a person who does report as required, or who provides a child protective agency with access to a victim, shall not be civilly or criminally liable for doing so.

II. **Elder/Dependent Adult Abuse Report**

As amended, Section 15632 of the Welfare and Institutions Code now reads in part:

Any person who enters into employment on or after January 1, 1986, as a care custodian, health practitioner, or with an adult protective services agency or a local law enforcement agency, prior to commencing his or her employment and as a prerequisite to that employment shall sign a statement on a form, which shall be provided by the prospective employer, to the effect that he or she has knowledge of the provisions of Section 15630 and will comply with its provisions. The sign statements shall be retained by the employer.

Section 15630 of the Welfare and Institutions Code provides:

(a) Any elder or dependent adult care custodian, health practitioner, or employee of a county adult protective services agency or a local law enforcement agency, who in his or her professional capacity or within the scope of his or her employment; either has observed an incident that reasonably appears to be physical abuse, has observed a physical injury where the nature of the injury, its location on the body, or the repetition of the injury, clearly indicates that he or she has experienced behavior constituting physical abuse, shall report the known or suspected instance of physical abuse either to the long-term care ombudsman coordinator or to a local law enforcement agency when the physical abuse is alleged to have occurred in a long-term care facility or to either the county adult protective services agency or to a local law enforcement agency when the abuse is alleged to have occurred anywhere else, immediately or as soon as possible by telephone, and shall prepare and send a written report thereof within 36 hours.

(b) Any care custodian, health practitioner, or employee of an adult protective services agency or local law enforcement agency who has knowledge of or reasonably suspects that other types of elder or dependent adult abuse have been inflicted upon an older or dependent adult or that his or her emotional well-being is endangered in any other way, may report such known or suspected instance of abuse either long-term care ombudsman coordinator or to a local law enforcement agency when the abuse is alleged to have occurred in a long-term care facility or to either the county adult protective services agency or to a local law enforcement agency when the abuse is alleged to have occurred anywhere else.

(c) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of abuse of an elder or a dependent adult, and when there is agreement among them the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
(d) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting, ensure confidentiality, and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with the provisions of this chapter.

(e) An adult protective services agency shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case and to any public agency given responsibility for investigation in that jurisdiction of cases of elder and dependent adult abuse every known or suspected instance of physical abuse of an elder or dependent adult. A county adult protective services agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to each agency to which it is required to make a telephone report under this subdivision.

Only a written report, sent within 36 hours, shall be required in the case of types of elder and dependent adult abuse other than physical abuse. If an adult protective services agency receives a report of abuse alleged to have occurred in a long-term care facility, that adult protective services agency shall immediately inform the person making the report that he or she must make it known to the long-term ombudsman coordinator or to a local law enforcement agency. The adult protective services agency shall not accept the reports.

(f) A law enforcement agency shall immediately or as soon as practically possible report by telephone to the long-term care ombudsman coordinator when the abuse is alleged to have occurred in a long-term care facility or to the county adult protective services agency when it is alleged to have occurred anywhere else, and to the agency given the responsibility for the investigation of cases of elder or dependent adult abuse every known or suspected instance of abuse of an elder or dependent adult. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

(g) A long-term ombudsman coordinator may report the instance of abuse to the county adult protective services agency or to the local law enforcement agency for assistance in the investigation of the abuse if the victim gives his or her consent.

(h) When a county adult protective services agency, a long-term care ombudsman coordinator or a local law enforcement agency receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleges to have occurred in a long-term care facility, that county adult protective services agency, long-term care ombudsman coordinator, or local law enforcement agency shall report the incident to the licensing agency by telephone as soon as possible.

(i) Each long-term care ombudsman coordinator shall report to the county adult protective services agency monthly on the reports it receives pursuant to this chapter. The reports shall be on forms adopted by the department. The information reported shall include, but shall not be limited to the number of incidents of abuse, the number of persons abused, the type of abuse, and the actions taken on such reports. For purpose of these reports, sexual abuse shall be reported separately from physical abuse.

(j) Each county adult protective services agency shall report to the State Department of Social Services monthly on the reports received pursuant to this chapter. The reports shall be made on forms adopted by the department. The information reported shall include, but shall not be limited to the number of incidents of abuse, the number of persons abused, the type of abuse sustained, and the actions taken on the reports. For purpose of these reports, sexual abuse shall be reported separately from physical abuse.

The county’s report to the department shall include reports it receives from the long-term care ombudsman coordinator pursuant to subdivision (i).

Definitions:

Elder – A person residing in the state who is 65 years of age or older.

Dependent Adult – Any person residing in the state who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Also includes any person between the age of 18 and 64 who is admitted as an inpatient to a 24-hour health facility.
Abuse – Physical abuse, neglect, intimidation, cruel punishment, fiduciary abuse, abandonment, or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care custodian of goods and services which are necessary to avoid physical harm or mental suffering.

Care Custodian – An administrator or an employee, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff, of any of the following public or private facilities:

1. Twenty-four hour health facilities
2. Clinics
3. Home health agencies
4. Adult day health care centers
5. Secondary schools which serve 18 to 22 year old dependent adults and post-secondary educational institutions which serve dependent adults or elders
6. Respite care facilities
7. Community care facilities and residential care facilities for the elderly
8. Foster homes
9. Regional centers for persons with developmental disabilities
10. State Department of Social Services and State Department of Health Services licensing divisions
11. County welfare departments
12. Offices of patients’ rights advocates
13. Office of the long-term care ombudsman
14. Offices of public conservators and public guardians
15. Any other protective or public assistance agency which provides health services of social services to elders or dependent adults

Health Practitioner – Physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker, marriage, family, and child counselor, or any other person who is currently licensed under Division 2 of the Business and Profession Code, any emergency medical technician I or II, paramedic, a person certified pursuant to Division 2.5 of the Health and Safety Code, a psychological assistant, a marriage family and child counselor trainee or an unlicensed marriage, a family and child counselor inter, a state or county public health employee who treats an elder or a dependent adult for any condition, a coroner, or a religious practitioner who diagnoses, examines or treats elders or dependent adults.