



Frequently Asked Questions by Mandated Reporters of Suspected Child Abuse

Produced by the Child Abuse Prevention Council of Contra Costa County

1. Should I report domestic violence as child abuse?

Domestic Violence refers to violence within the home regardless of relationship.

Intimate Partner Violence refers to violence between partners that are intimate.

If a child is witness to violence in their home or aware of the aftermath, a report should be made to Children and Family Services (CFS) or law enforcement. Awareness could include the child went home and saw a caregiver with a broken arm and they are crying, a hole in the wall, broken dishes, or any other evidence of violence. Children are often aware violence is occurring in their home even if they are not present during the event.

Why is this reportable? Awareness of domestic violence or intimate partner violence can be psychologically harmful to children. In addition, a child could get physically hurt if caught in the middle of an altercation. Domestic violence also raises the risk for child abuse. If a person is violent towards another person within the home, it raises the risk that person will also abuse children in that home.

If a child discloses domestic violence that may have occurred in the past but is not currently happening, call CFS and let them determine what action, if any, should be taken. The situation may have been reported and resolved. It is important to note that these types of cases are determined by child welfare on a case-by-case basis.

2. Why do Children and Family Services follow-up on blows to the head and/or torso, but other types of alleged physical abuse are not taken as seriously?

Because their brains are still developing, blows to the head can cause brain damage in children. It can also cause nausea, vomiting, blindness and, in worst case scenarios, death. Blows to the torso can cause internal injuries that are not easily identifiable and can be serious if left untreated. The stomach and neck are also considered to be vulnerable areas. The stomach holds internal organs that could be damaged at impact and the neck protects the airway. CFS also takes a child's age into consideration if they are hit in a vulnerable area. Any time a parent deliberately harms a child, leaving a mark, bruise or other injury, this is concerning.

Other types of physical abuse must be evaluated in the context of the child's unique circumstances such as age, developmental status, type of hit (open-handed vs closed) and, and object if used. CFS must determine if the abuse was legally allowable discipline, i.e. spanking. Was it a momentary lapse in judgement on the part of the parent? Was it an accident? For example, while playing with a child, a parent accidentally injures the child. The child may only disclose, "My father broke my arm." If there is no other information, then the social worker's role is to investigate these kinds of situations. If you have reasonable suspicion, you must report. You do not know what is happening behind the scenes. By reporting, you are creating a history that stays on file. Over time, CFS may see an abusive pattern where no single report rises to the level of an investigation.

3. When is suspected emotional abuse reportable?

Emotional abuse, alone, is the hardest of all the abuses to prove. Yet, it is a component of all types of child abuse. The hallmark for emotional abuse is a sudden change in behavior. A child's behavior could change for many reasons such as loss of a pet, divorce, or falling out with a friend, which makes this a difficult form of abuse to diagnose.

Anytime a child wants to hurt, harm or injure themselves or others, there is cause to be concerned that the child's adverse emotional behavior is due to a caregiver's actions or inaction. Although emotional abuse is hard to prove, it's still reportable. CFS has a 24-hour hotline, and any concern for a child's emotional health can be reported as long as there is a relationship between a caregiver's actions and an adverse impact on a child.

Anytime a child is being degraded in the home by a caregiver for how they identify (LGTBQ) and, as a result, the child is showing signs or symptoms for diagnosis or mental health concerns, call and consult/report.

4. Who do I call if I'm worried a child is unsafe while home alone?

Under California law, there is no specified age when a child can be left home alone. For some families, it's a financial necessity. However, parents have to use extreme caution and good judgement and should create a safety plan their child can use in case of emergency. It is important the child knows the answers to questions such as: If an emergency happens and you are home alone, who would you call, how would you call, and how would you know you are safe?

If you are afraid for a child or a child tells you they are afraid to be left home alone, call local law enforcement in the city where the child resides and ask them to conduct a health and safety check at the child's home when you believe the child will be home. They will determine if the child is safe.

5. Can I call CFS and ask their advice?

Legally, CFS cannot tell you whether or not to make a report. You can call them and through dialogue, it may become apparent whether the circumstances rise to the level of reportable abuse. CFS Social Workers can give you questions to ask the child, indicators to look for, or ways to get additional information needed to make a report. If you're still unsure, make a report, better to be safe than sorry for the child's well-being.

6. Can a Mandated Reporter take pictures of a child's injuries?

Yes. Penal Code 11172(a) allows mandated reporters to take photos. However, it is not advised. Let CFS or law enforcement take the pictures. If you do take photos, it is advised to only photograph injuries outside of the T-shirt/shorts zone, have a witness present, and ask the child's permission first. Video recording injuries and/or testimony is not included in this code.

7. Does CFS have to take my report?

Yes. Penal Code 11165.9 mandates that both CFS and law enforcement must take your report of suspected child abuse.

8. Is truancy reportable as child abuse? Can it be used as supporting evidence?

Truancy, in and of itself, is not considered child abuse. It is a School Attendance Review Board matter to investigate. It can certainly be a red flag for child abuse and neglect and could be considered supporting evidence for reporting other types of suspected child abuse and neglect.

9. Is third-hand party knowledge of suspected child abuse and neglect reportable?

Third party reporting is required if the third party is given reasonable suspicion child abuse has occurred and cannot verify a report on the child has already been made. The third party has to have identifying information to give to CFS so they can make a determination. HOWEVER, CFS prefers to hear from the mandated reporter with direct knowledge of the suspected child abuse.

10. What are the responsibilities of school volunteers with reasonable suspicion of child abuse and neglect?

Volunteers, with the exception of Court Appointed Special Advocates (CASA), are not mandated reporters. However, any person can report 24/7. Volunteers, like any non-mandated reporters, are considered discretionary reporters and have protection rights. Some school districts and other organizations require volunteers to report as a condition of volunteering and educate volunteers about signs, symptoms, and reporting procedures. Volunteers may tell a mandated reporter who would then be duty bound to report or guide the volunteer in making a report. CFS prefers to hear from the person who has first-hand knowledge of the suspected abuse. It helps them in their investigation.

11. When am I a Mandated Reporter? All of the time?

Mandated Reporters are only required to report suspected child abuse and neglect while working or volunteering within their professional capacity per PC11166 (A). They cannot be penalized for failure to report at other times. However, reports of suspected child abuse can be phoned in 24/7 and, morally, it is the right thing to do to protect children.

12. If someone over the age of 18 discloses past abuse, should I report?

A report should be made to CFS or law enforcement if there is suspicion or evidence the alleged perpetrator continues to have access to minors who live in their home. If the perpetrator is believed to have access to minors outside of their home, a call to law enforcement would be more appropriate. Please be aware, the county where the perpetrator lives, is the county the mandated reporter would contact.

For the disclosing adult, a report may be made to local law enforcement for the purpose of criminal prosecution of their own alleged perpetrator. Your local law enforcement agency is the expert on any statute of limitations.

13. What are the types of questions I can ask a child if I suspect child abuse and neglect or they disclose to me?

You will need to ask the child open-ended and closed-ended questions to determine reasonable suspicion and get the information CFS needs to be able to investigate. You are NOT to conduct an investigation yourself. Social workers are trained to conduct in-depth investigations with the information you provide.

Open-ended questions are questions that cannot be answered with a “yes” or “no”. These questions allow the child to tell the whole story without being influenced by the question itself.

- I notice you have a bruise. How did it happen?
- You seemed to get angry when I asked you that question. (Pause and allow the child to respond.)
- Can you tell me more about that?
- How do you feel when this happens?
- What do they do when this happens?
- What do you mean by that?

Closed-ended questions are questions that can be answered with a “yes” or “no”, or with a simple factual response.

- When did this happen?
- Has this happened before? When?
- Where did this happen?
- Does your other parent know about this?
- What do they do when this happens?

14. What guidelines does CFS have to follow before being able to investigate a suspected child abuse report?

CFS must follow Welfare and Institutions Code 300 a-j. It is a list of criteria, one of which must be present, before CFS can legally be allowed to investigate a report. These criteria are handed down by the California State Legislature.