

Print

SUSPECTED CHILD ABUSE REPORT

Reset Form

To Be Completed by Mandated Child Abuse Reporters

Pursuant to Penal Code Section 11166

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY																										
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS		Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO																									
	REPORTER'S TELEPHONE (DAYTIME) ()	SIGNATURE		TODAY'S DATE																											
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY																												
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)																														
	ADDRESS		Street	City	Zip	DATE/TIME OF PHONE CALL																									
C. VICTIM One report per victim	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY																								
	ADDRESS		Street	City	Zip	TELEPHONE ()																									
	PRESENT LOCATION OF VICTIM			SCHOOL	CLASS	GRADE																									
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)			PRIMARY LANGUAGE SPOKEN IN HOME																									
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLEC <input type="checkbox"/> OTHER (SPECIFY)																									
	RELATIONSHIP TO SUSPECT			PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK																										
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D. INVOLVED PARTIES	VICTIM'S SIBLINGS																														
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	ADDRESS	Street	City	Zip																											
	PARENTS/GUARDIANS																														
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SUSPECT'S NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY																												
ADDRESS	Street	City	Zip																												
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____																														
	DATE / TIME OF INCIDENT		PLACE OF INCIDENT																												
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)																														

SS 8572 (Rev. 12/02)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Pa

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS

- **SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (Continued)

- **SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
- **SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
- **SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
- **SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

- **Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- **Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send white copy to police or sheriff's department, blue copy to county welfare or probation department, and green copy to district attorney's office.

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

**Excerpts of California Child Abuse Neglect & Reporting
CA Penal Code §§11164-11174.3**

Required Actions:

[A] mandated reporter shall:

- make a report
- to [designated] agency
- 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.

The mandated reporter shall:

- make an initial report
 - by telephone
 - to the agency
 - immediately
 - or as soon as is practicably possible, and
- prepare and send, fax, or electronically transmit
 - a written followup report
 - using the forms adopted by the Dept of Justice
 - within 36 hours of receiving the information concerning the incident.
- Reports shall include:
 - Name, business address, telephone number of 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
 - And the source of that information
 - If known/applicable, the unsuitability of the home for child because of abuse or neglect.
- IF KNOWN, the report shall also include:
 - the child's name,
 - the child's address,
 - the child's present location, and,
 - if applicable, school, grade, and class;
 - the names, addresses, and telephone numbers of the child's parents or guardians; and

*Adapted from materials prepared by Alicia Aiken of the Confidentiality Institute,
Ethical Approach to Confidentiality, Mandatory Reporting & Communication, May
2017 for California Partnership to End Domestic Violence*

- the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child.

Actions Permitted Under CANRA (But Which May Violate VOCA/VAWA/FVPSA Federal Confidentiality Provisions):

The mandated reporter may:

- *include with the report*
- *any nonprivileged documentary evidence*
- *the mandated reporter possesses*
- *relating to the incident.*

Information relevant to the incident of child abuse or neglect

- *and information relevant to a report made pursuant to Section 11166.05*
- *may be given*
- *to an investigator*
- *from an agency that is investigating the known or suspected case of child abuse or neglect.*

Definitions:

(excludes definitions related to injury/abuse committed by school, childcare providers, and law enforcement)

1. "Child" is person under 18
2. "The willful harming or injuring of a child or the endangering of the person or health of a child," means:
 - a situation in which any person
 - willfully causes
 - or permits any child to suffer,
 - or inflicts thereon,
 - unjustifiable physical pain
 - or mental suffering,
 - or having the care or custody of any child,
 - willfully causes
 - or permits
 - the person or health of the child to be placed in a situation in which his or her person or health is endangered.

Adapted from materials prepared by Alicia Aiken of the Confidentiality Institute, Ethical Approach to Confidentiality, Mandatory Reporting & Communication, May 2017 for California Partnership to End Domestic Violence

3. “unlawful corporal punishment or injury” means:
 - a situation where any person
 - willfully inflicts
 - upon any child
 - any cruel or inhuman corporal punishment or injury
 - resulting in a traumatic condition.
4. “child abuse or neglect” includes:
 - physical injury or death
 - inflicted by other than accidental means
 - upon a child
 - by another person,
 - sexual abuse and sexual exploitation as defined in Section 11165.1,
 - neglect as defined in Section 11165.2, including both general and severe neglect,
 - the willful harming or injuring of a child or
 - the endangering of the person or health of a child, as defined in Section 11165.3, and
 - unlawful corporal punishment or injury as defined in Section 11165.4.
5. Reportable “child abuse or neglect” does not include:
 - a mutual affray between minors,
 - Accidental physical injury,
 - Failure to receive medical treatment for religious reasons or receipt of medical treatment authorized in conjunction with a medical professional,
 - Corporal punishment that constitutes reasonable and age-appropriate punishment,
 - Emotional abuse (unless it includes willfully causing or permitting any child to suffer unjustifiable physical pain or mental suffering, or endangering the child’s person or health), and
 - Consensual, voluntary, sexual acts between minors of the same age.
6. Status Issues – Not reportable
 - Alcohol and/or drug abuse, in and of itself
 - A positive toxicology report at time of infant’s delivery in and of itself
 - Homelessness of minor, in and of itself
 - Unaccompanied minors, in and of itself
 - Minor’s pregnancy, in and of itself
 - Presence of domestic violence in the home, in and of itself

7. “mandated reporter” is defined as any of the following:

(partial list including only categories of professionals typically employed by CPEDV member organizations)

(6) An administrator of a public or private day camp.

(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.

(8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.

(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.

(11) A Head Start program teacher.

(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.

(15) A social worker, probation officer, or parole officer.

(17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.

(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

Adapted from materials prepared by Alicia Aiken of the Confidentiality Institute, *Ethical Approach to Confidentiality, Mandatory Reporting & Communication, May 2017 for California Partnership to End Domestic Violence*

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an “alcohol and drug counselor” is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) A clinical counselor intern registered under Section 4999.42 of the Business and Professions Code.

(b) Except as provided in paragraph (35) of subdivision (a), **volunteers** of public or private organizations whose duties require direct contact with and supervision of children **are not mandated reporters** but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

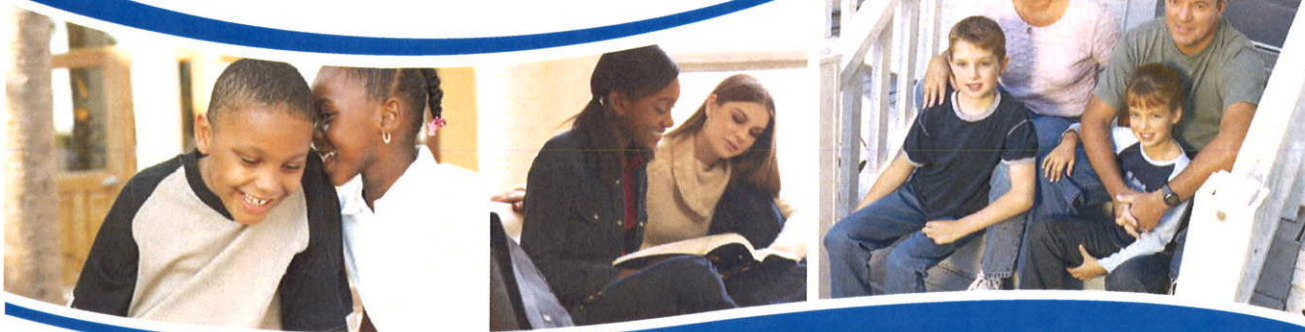
8. “reasonable suspicion” means:

- it is objectively reasonable
- for a person to entertain 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 or neglect.
- “Reasonable suspicion” does not require certainty that child abuse or neglect has occurred
 - nor does it require a specific medical indication of child abuse or neglect;
 - may be based on any credible information, including statements from other individuals;
 - any “reasonable suspicion” is sufficient.

May 2011

Disponible en español
[www.childwelfare.gov/pubs/
factsheets/spcpswork.cfm](http://www.childwelfare.gov/pubs/factsheets/spcpswork.cfm)

How the Child Welfare System Works



The child welfare system is a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to care for their children successfully. While the primary responsibility for child welfare services rests with the States, the Federal Government plays a major role in supporting States in the delivery of services through funding of programs and legislative initiatives.

What's Inside:

- What happens when possible abuse or neglect is reported?
- What happens after a report is "screened in"?
- What happens in substantiated (founded) cases?
- What happens to people who abuse or neglect children?
- What happens to children who enter foster care?
- Resources

U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



Child Welfare Information Gateway
Children's Bureau/ACYF
1250 Maryland Avenue, SW
Eighth Floor
Washington, DC 20024
800.394.3366
Email: info@childwelfare.gov
www.childwelfare.gov

The primary responsibility for implementing Federal child and family legislative mandates rests with the Children's Bureau, within the Administration on Children, Youth and Families, Administration for Children and Families, U.S. Department of Health and Human Services (HHS). The Children's Bureau works with State and local agencies to develop programs that focus on preventing the abuse of children in troubled families, protecting children from abuse, and finding permanent families for children who cannot safely return to their parents. For more information, see *How Federal Legislation Impacts Child Welfare Service Delivery* on the Child Welfare Information Gateway website:

www.childwelfare.gov/pubs/impacts/index.cfm

Most families first become involved with their local child welfare system because of a report of suspected child abuse or neglect (sometimes called "child maltreatment"). Child maltreatment is defined by CAPTA as serious harm (neglect, physical abuse, sexual abuse, and emotional abuse or neglect) caused to children by parents or primary caregivers, such as extended family members or babysitters.¹ Child maltreatment also can include harm that a caregiver allows to happen or does not prevent from happening to a child. In general, child welfare agencies do not intervene in cases of harm to children caused by acquaintances or

strangers. These cases are the responsibility of law enforcement.²

THE CHILD ABUSE PREVENTION AND TREATMENT ACT

The Child Abuse Prevention and Treatment Act (CAPTA), originally passed in 1974, brought national attention to the need to protect vulnerable children in the United States. CAPTA provides Federal funding to States in support of prevention, assessment, investigation, prosecution, and treatment activities as well as grants to public agencies and nonprofit organizations for demonstration programs and projects. Additionally, CAPTA identifies the Federal role in supporting research, evaluation, technical assistance, and data collection activities. CAPTA also sets forth a minimum definition of child abuse and neglect. Since it was signed into law, CAPTA has been amended several times. It was most recently amended and reauthorized on December 20, 2010, by the CAPTA Reauthorization Act of 2010 (P.L. 111-320). To see the 2010 amendment to CAPTA, visit: www.gpo.gov/fdsys/pkg/BILLS-111s3817enr/pdf/BILLS-111s3817enr.pdf

¹ Each State has its own laws that define abuse and neglect for purposes of stating the reporting obligations of individuals and describing required State and local child protective services agency interventions. For State-by-State information about civil laws related to child abuse and neglect, visit the Information Gateway website at www.childwelfare.gov/systemwide/laws_policies/state

² While some States authorize child protective services agencies to respond to all reports of alleged child maltreatment, other States authorize law enforcement to respond to certain types of maltreatment, such as sexual or physical abuse.

The child welfare system is not a single entity. Many organizations in each community work together to strengthen families and keep children safe. Public agencies, such as departments of social services or child and family services, often contract and collaborate with private child welfare agencies and community-based organizations to provide services to families, such as in-home family preservation services, foster care, residential treatment, mental health care, substance abuse treatment, parenting skills classes, domestic violence services, employment assistance, and financial or housing assistance.

Child welfare systems are complex, and their specific procedures vary widely by State. The purpose of this factsheet is to give a brief overview of the purposes and functions of child welfare from a national perspective. Child welfare systems typically:

- Receive and investigate reports of possible child abuse and neglect
- Provide services to families that need assistance in the protection and care of their children
- Arrange for children to live with kin or with foster families when they are not safe at home
- Arrange for reunification, adoption, or other permanent family connections for children leaving foster care

Appendix A provides a graphic overview of the process described in the following sections.

What happens when possible abuse or neglect is reported?

Any concerned person can report suspicions of child abuse or neglect. Most reports are made by “mandatory reporters”—people who are required by State law to report suspicions of child abuse and neglect.³ As of April 2010, statutes in approximately 18 States and Puerto Rico require any person who suspects child abuse or neglect to report it.⁴ These reports are generally received by child protective services (CPS) workers and are either “screened in” or “screened out.” A report is screened in when there is sufficient information to suggest an investigation is warranted. A report may be screened out if there is not enough information on which to follow up or if the situation reported does not meet the State’s legal definition of abuse or neglect.⁵ In these instances, the worker may refer the person reporting the incident to other community services or law enforcement for additional help.

³ See Information Gateway’s *Mandatory Reporters of Child Abuse and Neglect* (www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm) and *Making and Screening Reports of Child Abuse and Neglect* (www.childwelfare.gov/systemwide/laws_policies/statutes/repproc.cfm).

⁴ The word *approximately* is used to stress the fact that States frequently amend their laws.

⁵ See *Definitions of Child Abuse and Neglect* (www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm), available from Information Gateway.

During Federal fiscal year (FFY) 2009, an estimated 3.3 million referrals, which included approximately 6 million children, were made to CPS agencies. Approximately two-thirds (61.9 percent) of the reports were screened in for further investigation, and one-third (38.1 percent) were screened out (HHS, 2010b).

What happens after a report is “screened in”?

CPS workers, often called investigators, respond within a particular time period, which may be anywhere from a few hours to a few days, depending on the type of maltreatment alleged, the potential severity of the situation, and requirements under State law. They may speak with the parents and other people in contact with the child, such as doctors, teachers, or child care providers. They also may speak with the child, alone or in the presence of caregivers, depending on the child’s age and level of risk. Children who are believed to be in immediate danger may be moved to a shelter, foster care placement, or a relative’s home during the investigation and while court proceedings are pending. An investigator’s primary purpose is to determine whether the child is safe, whether abuse or neglect has occurred, and whether there is a risk of it occurring again.

Some jurisdictions now employ an alternative, or differential, response system. In these jurisdictions, when risk to the children involved is considered to be low, the CPS caseworker may focus on assessing family strengths, resources, and difficulties and identifying supports and services needed, rather than on gathering evidence to confirm the occurrence of abuse or neglect.

At the end of an investigation, CPS workers typically make one of two findings—unsubstantiated (unfounded) or substantiated (founded). These terms vary from State to State. Typically, a finding of unsubstantiated means there is insufficient evidence for the worker to conclude that a child was abused or neglected, or what happened does not meet the legal definition of child abuse or neglect. A finding of substantiated typically means that an incident of child abuse or neglect, as defined by State law, is believed to have occurred. Some States have additional categories, such as “unable to determine,” that suggest there was not enough evidence to either confirm or refute that abuse or neglect occurred.

The agency will initiate a court action if it determines that the authority of the juvenile court (through a child protection or dependency proceeding) is necessary to keep the child safe. To protect the child, the court can issue temporary orders placing the child in shelter care during the investigation, ordering services, or ordering certain individuals to have no contact with the child. At an adjudicatory hearing, the court hears evidence and decides whether maltreatment occurred and whether the child should be under the continuing jurisdiction of the court. The court then

enters a disposition, either at that hearing or at a separate hearing, which may result in the court ordering a parent to comply with services necessary to alleviate the abuse or neglect. Orders can also contain provisions regarding visitation between the parent and the child, agency obligations to provide the parent with services, and services needed by the child.

In FFY 2009, an estimated 702,000 children were found to be victims of maltreatment (HHS, 2010b).⁶

What happens in substantiated (founded) cases?

If a child has been abused or neglected, the course of action depends on State policy, the severity of the maltreatment, an assessment of the child's immediate safety, the risk of continued or future maltreatment, the services available to address the family's needs, and whether the child was removed from the home and a court action to protect the child was initiated. The following general options are available:

- **No or low risk**—The family's case may be closed with no services if the maltreatment was a one-time incident,

the child is considered to be safe, there is no or low risk of future incidents, and any services the family needs will not be provided through the child welfare agency but through other community-based resources and service systems.

- **Low to moderate risk**—Referrals may be made to community-based or voluntary in-home child welfare services if the CPS worker believes the family would benefit from these services and the child's present and future safety would be enhanced. This may happen even when no abuse or neglect is found, if the family needs and is willing to participate in services.
- **Moderate to high risk**—The family may again be offered voluntary in-home services to address safety concerns and help reduce the risks. If these are refused, the agency may seek intervention by the juvenile dependency court. Once there is a judicial determination that abuse or neglect occurred, juvenile dependency court may require the family to cooperate with in-home services if it is believed that the child can remain safely at home while the family addresses the issues contributing to the risk of future maltreatment. If the child has been seriously harmed, is considered to be at high risk of serious harm, or the child's safety is threatened, the court may order the child's removal from the home or affirm the agency's prior removal of the child. The child may be placed with a relative or in foster care.

⁶ This number refers to unique victims. The unique count of child victims counts a child only once, regardless of the number of times he or she was found to be victim during the reporting year. The duplicate count of child victims counts a child each time he or she was found to be a victim. The number of nationally estimated duplicate victims was 763,000 for FFY 2009.

Nationally, it is estimated that 210,000 children, including more than 123,000 victims and almost 87,000 nonvictims (duplicate count), were removed from their homes in 2009 as a result of a child abuse investigation or assessment.

What happens to people who abuse or neglect children?

People who are found to have abused or neglected a child are generally offered support and treatment services or are required by a juvenile dependency court to participate in services that will help keep their children safe. In more severe cases or fatalities, police are called on to investigate and may file charges in criminal court against the perpetrators of child maltreatment. In many States, certain types of abuse, such as sexual abuse and serious physical abuse, are routinely referred to law enforcement.

Whether or not criminal charges are filed, the perpetrator's name may be placed on a State child maltreatment registry if abuse or neglect is confirmed. A registry is a central database that collects information about maltreated children and individuals who are found to have abused or neglected

those children.⁷ These registries are usually confidential and used for internal child protective purposes only. However, they may be used in background checks for certain professions that involve working with children to protect children from contact with individuals who may mistreat them.

What happens to children who enter foster care?

Most children in foster care are placed with relatives or foster families, but some may be placed in group homes. While a child is in foster care, he or she attends school and should receive medical care and other services as needed. The child's family also receives services to support their efforts to reduce the risk of future maltreatment and to help them, in most cases, be reunited with their child. Visits between parents and their children and between siblings are encouraged and supported, following a visitation plan.

Every child in foster care should have a permanency plan that includes the person with whom the child will live after leaving foster care and who will serve as the child's primary emotional and family connection. Families typically participate in developing a permanency plan for the child and a service plan for the family. These plans guide the agency's work. Except in unusual

⁷ For more information about these databases, see *Establishment and Maintenance of Central Registries for Child Abuse Reports* (www.childwelfare.gov/systemwide/laws_policies/statutes/centreg.cfm), available from Information Gateway.

and extreme circumstances, every child's plan is first focused on reunification with parents. If the efforts toward reunification are not successful, the plan may be changed to another permanent arrangement, such as adoption or transfer of custody to a relative.⁸ Whether or not they are adopted, older youth in foster care should receive support in developing some form of permanent family connection, in addition to transitional or Independent Living services to assist them in being self-sufficient when they leave foster care between the ages of 18 and 21.

Federal law requires the court to hold a permanency hearing, which determines the permanent plan for the child, within 12 months after the child enters foster care and every 12 months thereafter. Many courts review each case more frequently to ensure that the agency is actively pursuing permanency for the child.

In FFY 2009, 140,061 children leaving foster care (51 percent) were returned to their parents or primary caregivers. The median length of stay in foster care for these children was 13.7 months. The average age of a child exiting foster care was 9.6 years old (HHS, 2010a).

⁸ Under the Adoption and Safe Families Act (ASFA), while reasonable efforts to preserve and reunify families are still required, State agencies are required to seek termination of the parent-child relationship when a child has been in foster care for 15 of the most recent 22 months. This requirement does not apply (at the State's option) if a child is cared for by a relative, if the termination is not in the best interests of the child, or if the State has not provided adequate services for the family.

Summary

The goal of the child welfare system is to promote the safety, permanency, and well-being of children and families. Even among children who enter foster care, most will leave it to return safely to the care of their own families, or go to live with relatives or an adoptive family.

For more detailed information about the child welfare system, please refer to the resources listed below. For more information about the child welfare system in your State or local jurisdiction, contact your local public child welfare agency.

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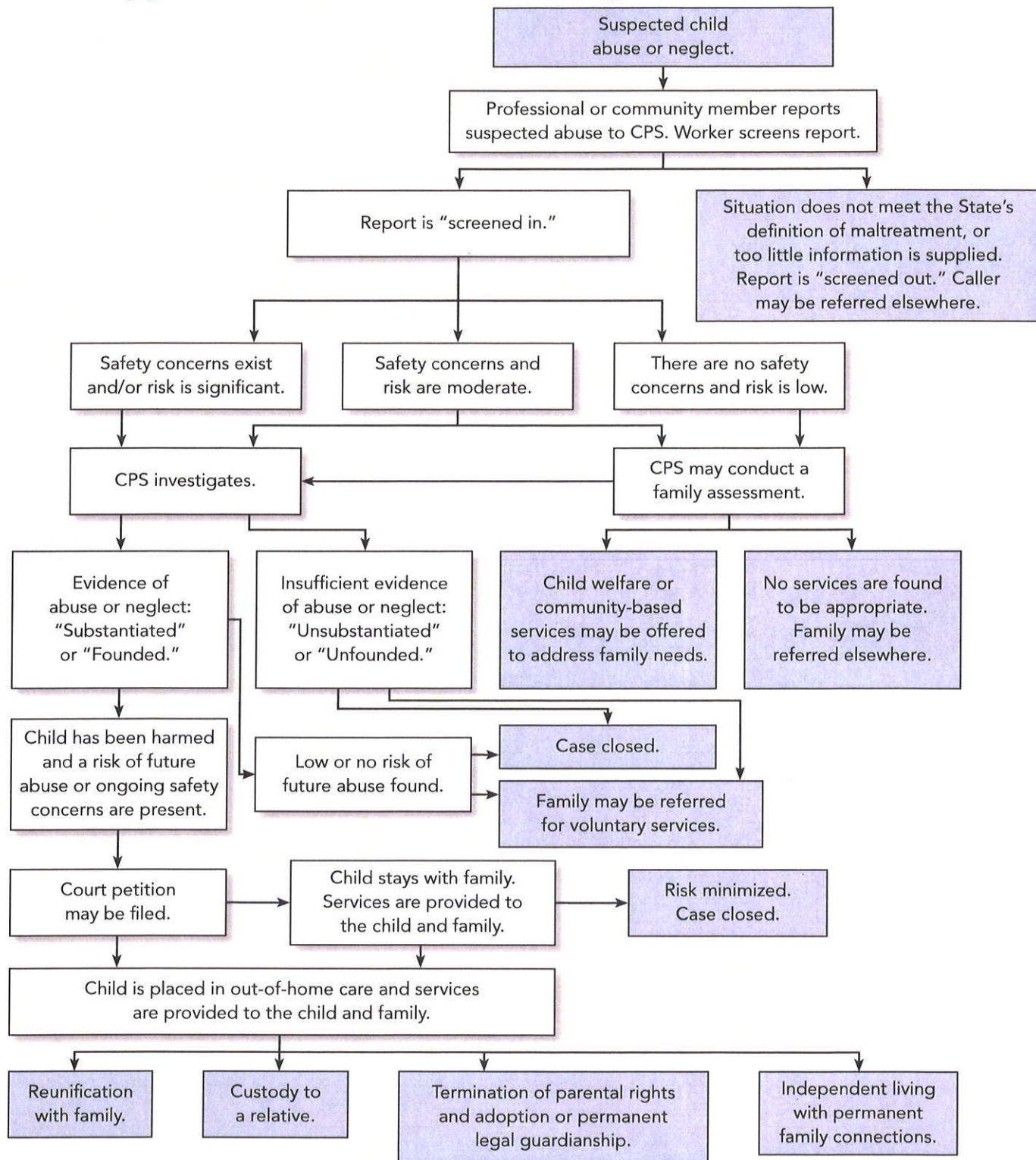
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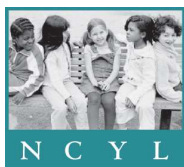
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Appendix A: The Child Welfare System





When Mandated Reporters in California Must Report Consensual Disparate Age Sexual Intercourse to Child Abuse Authorities

(1) If a minor has consensual sexual intercourse with an older (or younger) partner, is a report mandated?*

Age of Partner	12	13	14	15	16	17	18	19	20	21	22
Age of Patient											
11	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
12	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
13	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
14	Y	Y	N	N	N	N	N	N	N	Y	Y
15	Y	Y	N	N	N	N	N	N	N	Y	Y
16	Y	Y	N	N	N	N	N	N	N	N	N
17	Y	Y	N	N	N	N	N	N	N	N	N
18	Y	Y	N	N	N	N	N	N	N	N	N

Chart by David Knopf, LCSW, UCSF.

(2) If a minor engages in “lewd and lascivious acts” with an older or younger partner, is a report required?

“Lewd and lascivious acts” are acts performed with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the minor or partner. Mandated reporters must report “lewd and lascivious acts” when a minor is 14 or 15 and the partner is 10 or more years older, (14 year old with an adult 24 years or older/ 15 year old with an adult 25 years or older), or when a minor is under 14 and the partner is 14 or older, regardless of claimed consent by the minor.

(3) Are there other situations in which sexual intercourse must be reported?*

Mandated reporters must report sexual intercourse or other sexual activity with a minor under 18 years old when the activity appears coerced, exploitative, based on intimidation, or in any other way resembles abuse -- regardless of claimed consent by the minor and regardless of partner age.

*The law does not require providers to ask about partner age.

**This worksheet is not a complete review of all California sexual abuse reporting requirements.