



## 2014-2015 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

# CHILD ABUSE AND NEGLECT CALL CENTER, CAN EVERY CALL BE ANSWERED?

## Summary

The 2014-2015 Santa Clara County Civil Grand Jury (Grand Jury) accepted a complaint regarding the findings of the “Management Audit of the Department of Family and Children’s Services” (Audit). The Audit was conducted by the Harvey Rose Associates, LLC, for the Santa Clara County Board of Supervisors and published on October 10, 2013. This Audit found that, in 2013, the Child Abuse and Neglect Center (CAN Center) workers directly answered only about 59 percent of the calls, while hundreds of callers were placed on hold for an average of 20 minutes, and some waited more than an hour. The Audit indicated that such long wait times increased the chances that child abuse reporters could become frustrated and abandon the call. The Audit recommended increasing the staff in the CAN Center so that more calls could be answered.

The Grand Jury reviewed the 2013 Audit, as well as Monthly Summaries from July through the end of 2014, plus the March and April 2015 Monthly Summaries. The Grand Jury determined the CAN Center received an average of 2,234 calls and answered 1,774 per month, approximately 79 percent, during the months July through December 2014. These months were selected because the additional seven social work positions had been assigned to the CAN Center and later months had a phone system upgrade, which affected the statistics.

During the months of July through December 2014, the number of unanswered calls (total calls minus calls answered) was 21 percent. In April 2015, 11 percent of the calls were not answered.

The other public and nonprofit agencies<sup>1</sup> interviewed told the Grand Jury they answer all calls; no calls go to voicemail. The agencies that kept track of abandoned calls indicated two percent were abandoned. Some agencies retrieve the phone number of abandoned calls and return the calls. The CAN Center does not try to return the abandoned calls.

The Audit made the following two critical recommendations regarding the CAN Center. They were to:

---

<sup>1</sup> The Grand Jury interviewed the San Mateo and Alameda County Department of Family and Children’s Services, United Way 2-1-1, and Bill Wilson Center hotline.

1. Increase the ability of the CAN Center to receive and respond to incoming reports of child abuse and neglect by adding call center staff and better matching of staff to correspond to the highest call volume, and
2. Bring the Department of Family and Children's Services (DFCS) into compliance with state law by responding to all reports, including attempted calls, reporting child abuse and neglect via the CAN Center hotline.

The Grand Jury investigated whether a live person answers every call; whether the CAN Center is responsible for answering all calls (24 hours per day seven days a week); and whether the monthly statistical reports were providing enough information to manage the staffing. Based on the Audit recommendations, the DFCS added staff, but did it reduce the number of abandoned calls and increase the number of answered calls?

The Grand Jury found that the CAN Center staff does not directly answer all calls between 8 am and 10 pm. The CAN center staff does not answer calls between 10 pm and 8 am; rather, these are answered through an after-hours program. The Grand Jury determined that the statistical reports are lacking valuable information and additional information would give a truer picture of calls received, calls answered, and assist management in scheduling staff assignments.

## **Background**

The CAN Center is part of DFCS, which is one of three departments that comprise the Santa Clara County Social Services Agency. The DFCS provides prevention, intervention, advocacy, and public education as it relates to protecting child safety and well-being. The following is the department's mission statement:

The mission of Santa Clara County Department of Family and Children's Services is to keep children safe and families strong. With respect and cultural humility, we partner with our diverse community to ensure that any child or youth who is at risk or has suffered abuse or neglect is safe, cared for, and grows up in a stable, loving family<sup>2</sup>

According to the Santa Clara County Social Services Agency Fiscal Year 2014 Fact Sheet, this agency receives 94 percent of its funding from federal and state revenues. In the 1960's, child protection became a national issue which culminated in the 1974 Child Abuse Prevention and Treatment Act (CAPTA, Public Law 93-247). Child Protective Services (CPS) agencies, later renamed DFCS, were first established in

---

<sup>2</sup> Social Services Agency, Department of Family & Children's Services-Child Abuse Reporting and Investigation. Retrieved from <http://www.sccgov.org/sites/ssa/department%20of%20family%20-%20children%27s%20services/Pages/Department-of-Family---Children%27s-Services.aspx>

response to the 1974 CAPTA, which mandated that all states establish procedures to investigate suspected incidents of child maltreatment. California Penal Code Section 11165.9<sup>3</sup> mandates that the CAN Center accept reports of child abuse and neglect from mandated reporters<sup>4</sup> and concerned residents.

A mandated reporter is a person who has regular contact with vulnerable people such as children, disabled persons, and senior citizens, and is therefore legally required to ensure a report is made when abuse is observed or suspected.<sup>5</sup> The CAN Center assesses these reports and, if necessary, refers them to the appropriate DFCS bureau for possible intervention and cross-reports to other agencies. Social workers answer the phone based on their availability. The social workers are highly skilled and most hold Masters Degrees in Social Work.

The CAN Center social workers receive calls during the hours of 8 am to 10 pm every day of the week onsite at the CAN Center. The same hotline phone calls are re-directed between the hours of 10 pm and 8 am to DFCS social work supervisors who volunteer to be on call, receive calls directed to their County issued cell phones.

The After Hours Program uses supervisors throughout DFCS to be on-call from 10 pm to 8 am. The After Hours Coordinator publishes the schedule of after-hours supervisors who have volunteered for on-call duty. The Child Abuse Hotline is rolled over to the supervisor's DFCS County issued cell phone at 10 pm.

The supervisor's responsibilities include receiving and assessing incoming calls to determine if immediate action is required. Supervisors send on-call social workers to Joint Response law enforcement call locations and to other immediate response calls. They record information on less immediate situations and consultations. The after-hours, on-call supervisor calls the CAN Center in the morning to report the less immediate situations so the CAN Center can generate the proper referral form.

If every call into the CAN Center is not answered; the County may be in violation of California Welfare & Institutions Code Section 16501(f).<sup>6</sup> This Code describes the required emergency response to reports of child abuse and neglect. Emergency response services consist of a response system providing in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation. An in-person response is not always required.

## **Methodology**

The Grand Jury focused its inquiry on how the CAN Center had improved its efficiency in answering reports of child abuse and neglect in the County of Santa Clara. In

---

<sup>3</sup> <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>

<sup>4</sup> Mandated reporters are defined by California Penal Code §11165.7. See Appendix B

<sup>5</sup> Ibid.

<sup>6</sup> California Codes §§ 16001-17000, and §§16500-16521.5

developing this report, the Grand Jury toured the CAN Center of Santa Clara County, interviewed management and staff at Santa Clara CAN Center, San Mateo and Alameda County Departments of Family and Children's Services, United Way 2-1-1, and the Bill Wilson Center hotline, reviewed documents and statutes, and viewed websites related to child protective services. While touring the Santa Clara County DFCS Child Abuse and Neglect Center, the Grand Jury:

- Observed the work spaces for social workers,
- Viewed the call center display board,
- Observed the CAN Center common areas, and
- Engaged in question and answer sessions.

For additional information, see Appendix A.

## **Discussion**

The first step in providing an effective DFCS response system is answering calls regarding potential child abuse and neglect. DFCS provides phone services to receive reports of abuse and neglect 24 hours a day, seven days a week. From 8 am until 10 pm, the CAN Center is responsible for answering the calls related to child abuse and neglect. However, between 10 pm to 8 am, the After Hours Program Coordinator coordinates the staff needed to answer the calls.

The CAN Center staff has different responsibilities, skills, and training than the After Hours Program staff. The DFCS Online Policies and Procedures state:<sup>7</sup>

The Child Abuse and Neglect Center (CANC or CAN Center) receives and screens referrals from mandated reporters, law enforcement, and the community regarding children who may be in danger of abuse or neglect.

The DFCS Online Policies and Procedures state:

All reports of child abuse, neglect or exploitation on new or existing cases are directed to the CANC hotline for initial assessment. The reports may be received telephonically, in writing or in-person. The CANC also provides brief consultation to the public on child abuse issues and referrals, and, when appropriate, to resources other than DFCS. Although the CANC receives the majority of its referrals from agencies and persons outside of DFCS, any employee of DFCS who, within the scope of his/her employment, observes or receives a report of abuse, neglect, caregiver

---

<sup>7</sup> Handbook 1: Intake, 1-3 Child Abuse and Neglect Center (CANC): Taking a Report Overview

absence/incapacity or exploitation from a source other than the CANC.

The DFCS Online Policies and Procedures also explain the responsibilities of the CAN Center social workers. First, information regarding suspected child abuse or neglect from all callers to the CAN Center is received and accepted by the social worker. The social worker is responsible for collecting as much information as possible from the caller. They are also responsible for taking information regarding suspected child abuse or neglect even if the reported case is outside Santa Clara County (County) jurisdiction. The social worker then determines the basis for the allegations and if the report meets the legal definition of child abuse or neglect<sup>8</sup>. The social worker reviews possible child welfare services history and determines whether a referral needs to be created or whether the report can be documented as a “no report.”

To create a referral, the social worker opens a Child Welfare Services/Case Management System referral, creates or updates a client notebook, identifies any safety alerts, completes the screener narrative, creates the allegation notebook, makes cross-reports to other agencies as necessary, and determines the necessity of a response from social services. The social worker also determines jurisdiction of referral to other DFCS staff based on zip code, prioritizes response into immediate response, responds within 10 days, provides consultation, or evaluates out, which means creating a referral with no response needed, and forwards the referral to another bureau within DFCS.

The Grand Jury was told that the DFCS CAN Center & Referrals Monthly Statistical Summary (Monthly Summary), generated from the telephone system, indicates the number of calls answered and the number of voicemails returned during a month. To determine a daily call volume, the telephone system has to be queried for a specific day and specific time period, making it difficult to determine the daily and hourly number of calls. Unfortunately, the CAN Center was not able to provide the Grand Jury with the number of immediate response, 10-day response, no response, and consultations. Joint Response<sup>9</sup> calls from law enforcement agencies come from a separate system and the CAN Center is able to provide the number of Joint Response calls.

After 10 pm, calls are assigned to the After Hours Program, coordinated by a Program Manager in the Emergency Response Bureau. The After Hours Program uses supervisors throughout DFCS to be on-call from 9:45 pm to 8 am. The After Hours Program Manager publishes the schedule of after-hours supervisors who have volunteered for four hours of on-call duty. Before transferring the calls, the CAN Center lets the supervisor know when the Child Abuse Hotline is rolled over to the supervisor’s DFCS cell phone, which is generally at 9:45 pm.

The supervisor’s responsibilities include receiving and assessing incoming calls to determine if immediate action is required. Supervisors send on-call social workers to

---

<sup>8</sup> California Penal Code §11165.6

<sup>9</sup> A Joint Response is a call received from a law enforcement agency requesting the assistance of a social worker.

Joint Response law enforcement call locations and to other immediate response calls. They record information on less immediate situations and consultations. The after-hours, on-call supervisor calls the CAN Center in the morning to report the less immediate situations so the CAN Center can generate the proper referral forms. The majority of the after-hours on-call supervisors are not from the CAN Center and have not received the same level of specialized training.

Per the After-Hours Referral Type: July – December 2014 report, an average of three calls are received per night. The majority of calls are Joint Response calls involving law enforcement and the social workers. The number of calls received after-hours is not reported to the CAN Center. Instead, the Emergency Response Bureau keeps separate records of the number of calls and the type of response or no response. The reporting system for the CAN Center and After Hours Program should be consolidated to give a better overall statistical picture.

### **CAN Center Staffing**

The current CAN Center model was established in 1990 and was only staffed at that time with ten Social Worker positions and one Social Work Supervisor position. By 2005, the unit had grown to fourteen Social Worker III positions and two Social Work Supervisor positions.

Per the 2013 Harvey Rose Audit, the sixteen Social Worker III positions were assigned to the center to answer calls from 8 am – 10 pm daily.<sup>10</sup> The Audit recommended that seven Social Worker III positions and one Social Work Supervisor be added so that the CAN Center “would be able to answer and return all incoming reports of child abuse and neglect on a timely basis, resulting in the protection and removal of children from dangerous situations.”<sup>11</sup> In 2014, DFCS successfully added seven Social Worker III positions and one social work supervisor position to the CAN Center. Today the CAN Center is staffed with twenty-three Social Worker III positions, as well as three Social Work Supervisor positions, four support staff, and one program manager position.

---

<sup>10</sup> Audit at 29.

<sup>11</sup> Ibid.

The following CAN Center staffing chart provided to the Grand Jury shows the hourly and daily CAN Center + After Hours Supervisors assignments.

Hour	Optimum Staffing Levels (CAN Center + after-hours supervisors).						
	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
8am	8	9	9	9	8	1	1
9am	11	12	12	12	11	2	1
10am	14	15	15	15	14	2	1
11am	15	17	17	17	16	2	1
noon	19	21	21	20	19	2	1
1pm	20	23	23	22	21	2	1
2pm	20	23	23	22	21	2	1
3pm	20	23	23	22	21	2	1
4pm	20	23	23	22	21	2	1
5pm	13	14	14	13	13	1	1
6pm	9	11	11	10	10	1	1
7pm	6	7	8	7	7	1	1
8pm	5	6	6	5	5	1	1
9pm	5	6	6	5	5	1	1
10pm	1	1	1	1	1	1	1
11pm	1	1	1	1	1	1	1
midnight	1	1	1	1	1	1	1
1am	1	1	1	1	1	1	1

Hour	Optimum Staffing Levels (CAN Center + after-hours supervisors).						
	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
2am	1	1	1	1	1	1	1
3am	1	1	1	1	1	1	1
4am	1	1	1	1	1	1	1
5am	1	1	1	1	1	1	1
6am	1	1	1	1	1	1	1
7am	1	1	1	1	1	1	1

Shaded area above indicates after-hours staffing.

The above chart demonstrates the staffing levels when all positions are filled and all personnel are present onsite.

In order to determine the number of staff required to answer and process the calls received daily, the CAN Center staff should be able to analyze: the number of daily calls; the amount of time on the phone by each social worker; and the time each social worker takes to process the referrals from their monthly summary.

### **Automated Versus In-Person Responses**

The CAN Center has an automated-response system to receive calls of child neglect and abuse. Currently, when a caller calls the CAN Center, they hear these instructions from the interactive voice response system:

1. If this is an emergency or there is a crime in progress, hang up and dial 9-1-1. If you are Mandated Reporter, press 9 (this is repeated in English, Spanish, and Vietnamese).
2. If you are not calling from a touch-tone phone, please stay on the line otherwise for English press 1 (this is repeated in Spanish press 2 and in Vietnamese press 3).
3. If you are calling from a touch-tone phone and you speak English press 1 (this is repeated in Spanish press 2 and in Vietnamese press 3).

4. If you are calling about our address, a report form, social workers number, status of your report or other general information, press 1.
5. If you want to make a child abuse report, press 2.

After the initial greeting, mandated reporters who press 9, go directly to a social worker. However, callers who do not press 9, must go through the automated-response system. If no one is immediately available to answer the call, that call will go to voicemail.

The Grand Jury found that this automated-response process lasts about one and one half to two minutes before reaching a social worker. Some of the callers abandon the call before or after they initiate a prompt to leave a message or speak to a social worker. The Grand Jury was told that no attempts are made to retrieve the phone number of an abandoned call from the phone system to return the call. The system does not provide blocked numbers or abandoned caller numbers.

The Audit determined abandoned calls could have required immediate response to remove a child of neglect and abuse; therefore, an abandoned call may be the one that would have saved a child from further neglect, abuse, or possibly death. According to the Audit, about 1 in 53 calls answered at the CAN Center results in the Court assuming custody of an abused or neglected child. The Grand Jury applied the same ratio to the April 2015 monthly, 125 abandoned, calls statistic and determined potentially three children might have been left to endure more neglect and abuse because abandoned calls were not answered immediately or the caller could not be called back.

The Grand Jury interviewed staff at the Alameda and San Mateo County call centers. Alameda County has an automated voice response system and indicated 12 percent of the calls were abandoned. San Mateo County claimed to directly answer all calls and indicated that they had no abandoned calls. In San Mateo County, clerical staff answer the calls, take messages, and the social workers make three to four attempts to return the calls.

According to CAN Center procedures, voicemails will be returned before the end of the shift. If a social worker cannot reach the caller, for confidentiality reasons, the social worker does not leave their number. The Grand Jury was told the social workers do not make a second attempt to return the call. In comparison, the Grand Jury was told by both Alameda and San Mateo County three or four attempts are made to return voice mails.

DFCS should directly answer calls from both mandated and non-mandated reporters. Calls would be more efficiently received to prevent abandoned and voice mail calls.

The 2013 Audit highlighted the fact that the busiest day of the week at the CAN Center is Thursday between the hours of 12 pm and 5 pm and should therefore have the highest number of staff to handle the highest volume of calls. In order to better

understand the call volume, the Grand Jury toured the CAN Center on a Thursday, between the hours of 1:30 pm and 2:45 pm. The Grand Jury observed a total of nine calls received by the CAN Center during that 75-minute period.

The Grand Jury watched the CAN Center electronic display board which reflects in real time the number of calls coming in, social workers logged in and available to take calls, and social workers not available to take calls. The Grand Jury observed 22 social workers onsite that day.

The board displayed, among other things, the following:

- At 1:20 pm, 10 Ready (R)
- At 2:00 pm, 8 R
- At 2:30 pm, 9 R
- At 2:40pm, 10 R

Per the display board, a total of 59 calls were received and answered between 8:00 am and 2:45 pm. There were no abandoned calls or voicemails received during this period. On this Thursday, ten social workers were able to handle the incoming calls, and no calls were abandoned or went to voicemail.

### **Monthly Statistical Reports and Scheduling**

The Monthly Summary provides the number of calls received by the CAN Center between 8 am and 10 pm including calls answered, voice mail, and abandoned calls. Additionally, the Monthly Summary includes the Joint Response calls from law enforcement agencies. See Appendix C for detail statistics. Unfortunately, calls received in the After Hours Program are not included in the Monthly Summary.

The Grand Jury reviewed the CAN Center reports in the 2013 Audit, as well as Monthly Summaries and other reports through the end of 2014, and the April 2015 Monthly Summary.

The Grand Jury determined that the Monthly Summaries lack clarity and valuable information which could be used to determine staffing. The Monthly Summary does not include daily and hourly statistics. It does not include an absolute total number of calls coming into the CAN Center 24 hours a day, seven days a week because the After-Hours Program calls are not included. Additionally, the Monthly Summary does not include the average number of calls per social worker along with referral and final disposition data. The type of referral could be used to determine the appropriate amount of time required to process the referral.

The Grand Jury was told that incoming calls can take five to twenty minutes and preparing the referrals can take up to one and a half hours. When determining the number of staff required to answer and process calls, the number of calls, amount of

time on the phone, and the time to process the referrals is necessary. The Grand Jury was also told that the CAN Center reporting system is complicated. Staff stated there is a need for analytical support to extract data and create reports, which would provide better information regarding call information for management to staff appropriately for peak times.

## **Conclusion**

The Grand Jury found that since the 2013 “Management Audit of the Department of Family and Children’s Services” (Audit), the Child Abuse and Neglect Center has increased its staff, answered more calls, and decreased the number of abandoned calls. Now 89 percent of all incoming calls are answered; nevertheless, 11 percent of calls still remain unanswered. The CAN Center statistics indicate a higher abandoned call percentage and a higher percentage of voicemail messages than what the Grand Jury was told by the Alameda and San Mateo counties’ child protective services agencies. The Department of Family and Children Services should continue to improve operations to ensure that all Child Abuse and Neglect Center calls are answered.

The Child Abuse and Neglect Center personnel do not staff the Child Abuse and Neglect Center 24 hours a day. After-hours calls to the CAN Center number are answered by after-hours on-call social work supervisors from divisions within DFCS, who may or may not be trained in the CAN Center protocols. DFCS should ensure that CAN Center staff is available to answer calls 24 hours per day, seven days a week.

The CAN Center utilizes an automated-response system that creates a scenario for more abandoned calls. If the caller does not press number 9 for “Mandated Reporter” the call may be diverted to voice mail. Therefore, the CAN Center should have an in-person process for answering all calls, not just calls from mandated reporters. The DFCS should ensure that all reports of child abuse and neglect are answered in-person by a CAN Center social worker who is specifically trained for the assignment; otherwise, there is a risk of losing child abuse and neglect reports because callers get impatient or frustrated and abandon the calls.

Current DFCS policy is to only respond to voice mails once. DFCS should explore the policies of neighboring counties (e.g. Alameda and San Mateo) and make three or four attempts to contact abandoned or voicemail callers.

The Grand Jury determined that the DFCS reports are lacking valuable information, such as the number of after-hours calls received per month. The DFCS CAN Center & Referrals Monthly Statistical Summary is lacking clarity and valuable information needed to determine a daily call volume. The addition of more information in the reporting system would give a truer picture of calls received, answered, and the nature of the call. This would give the CAN Center management the ability to schedule staff according to the volume of calls and attain a true 24-hour operation. Adequate staff assignments would improve the probability of answering every call, identify the call disposition, and ensure that all calls are recorded.

The Department of Family and Children Services should ensure that the “DFCS Child Abuse and Neglect Center & Referrals Monthly Statistical Summary” be revised to include more information and all calls and call dispositions received, 24 hours per day, 7 days a week.

## **Findings and Recommendations**

### **Finding 1**

Since 2013, the Child Abuse and Neglect Center has increased its staff, answered more calls, and decreased the number of abandoned calls; however, some calls still go unanswered.

### **Recommendation 1**

The Department of Family and Children Services should continue to improve operations to ensure that all Child Abuse and Neglect Center calls are answered.

### **Finding 2**

The Child Abuse and Neglect Center personnel do not staff the Child Abuse and Neglect Center 24 hours a day; instead, calls are transferred to the After Hours Program social work supervisors between 10 pm and 8 am, seven days a week.

### **Recommendation 2**

The Department of Family and Children Services should ensure the Child Abuse and Neglect Center staff is available to answer calls 24 hours per day, seven days a week.

### **Finding 3**

Unanswered and abandoned calls in the Department of Family and Children’s Services automated voice response phone system may put the children in the County at risk and allow abuse and neglect cases to go unreported.

### **Recommendation 3**

The Department of Family and Children’s Services should directly answer both mandated and non-mandated reporters’ calls.

### **Finding 4**

The Department of Family and Children’s Services has no policy to make more than one attempt to respond to Child Abuse and Neglect Center voice mails.

#### **Recommendation 4**

The Department of Family and Children's Services should establish a policy to make three or four attempts to contact voicemail callers in their counties.

#### **Finding 5**

The Department of Family and Children's Services has no policy to attempt to respond to Child Abuse and Neglect Center abandoned calls.

#### **Recommendation 5**

The Department of Family and Children's Services should establish a policy to follow-up on abandoned calls.

#### **Finding 6**

The Child Abuse and Neglect Center & Referrals Monthly Statistical Summaries do not include data on After Hour Program calls nor average number of calls and dispositions per social worker, to provide adequate information to manage staffing.

#### **Recommendation 6**

The Department of Family and Children Services should ensure that the "DFCS Child Abuse and Neglect Center & Referrals Monthly Statistical Summary" be revised to include After Hour Program calls and average number of calls and dispositions per social worker, to provide adequate information to manage staffing.

## **Appendix A Documents Reviewed**

### **Documents reviewed included:**

1. California Welfare Code, Sections 16500-16521.5
2. CAN Center Schedule Sign Up Form
3. Emergency Response After Hours Tracking Log
4. Emergency Response After Hours Workforce Chart
5. Santa Clara County Form, # SCZ 22-4195
6. Harvey Rose, Management Audit of the Department of Family And Childhood Services, October 10, 2013.

### **Internet articles and reports reviewed included:**

1. Critical Incident Stress Management Training (CISM)  
[www.certiedinfosec.com](http://www.certiedinfosec.com)
2. DFCS CAN Center and Referrals Monthly Statically Summary
3. [www.sccgov.org/Monthlystatisticalsummary-May2013.pdf](http://www.sccgov.org/Monthlystatisticalsummary-May2013.pdf)
4. Metro Active News. "Child Abuse Cases Ignored In Santa Clara County", November 6, 2013. [www.metroactive.com/facturos/chid-abuse-cases-ignored](http://www.metroactive.com/facturos/chid-abuse-cases-ignored)
5. Structured Decision Making Tool (SDM) Model In Child Protection. National Council In Crime, and Delinquency. [www.nccdglobal.org/assessment/sdm-structured-decision](http://www.nccdglobal.org/assessment/sdm-structured-decision)

## Appendix B

### 11164 Welfare & Institutions Code

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>

**11164.** (a) This article shall be known and may be cited as the Child Abuse and Neglect Reporting Act.

(b) The intent and purpose of this article is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

**11165.** As used in this article "child" means a person under the age of 18 years.

**11165.9.** Reports of suspected child abuse or neglect shall be made by mandated reporters, or in the case of reports pursuant to Section 11166.05, may be made, to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. Any of those agencies shall accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person, or referred by another agency, even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. When an agency takes a report about a case of suspected child abuse or neglect in which that agency lacks jurisdiction, the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction. Agencies that are required to receive reports of suspected child abuse or neglect may not refuse to accept a report of suspected child abuse or neglect from a mandated reporter or another person unless otherwise authorized pursuant to this section, and shall maintain a record of all reports received.

**11165.7.** (a) As used in this article, "mandated reporter" is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
- (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 or employee of a public or private

organization whose duties require direct contact and supervision of children.

(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.

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

(11) A Head Start program teacher.

(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.

(13) A public assistance worker.

(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.

(16) An employee of a school district police or security department.

(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.

(18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.

(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.

(20) A firefighter, except for volunteer firefighters.

(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.

(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety 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.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any

representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(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.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(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.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(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.

(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.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(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.

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

**11169. (a)** An agency specified in Section 11165.9 shall forward to the Department of Justice a report in writing of every case it investigates of known or suspected child abuse or severe neglect that is determined to be substantiated, other than cases coming within subdivision (b) of Section 11165.2. An agency shall not forward a report to the Department of Justice unless it has conducted an active investigation and determined that the report is substantiated, as defined in Section 11165.12. If a report has previously been filed which subsequently proves to be not substantiated, the Department of Justice shall be notified in writing of that fact and shall not retain the report. The reports required by this section shall be in a form approved by the Department of Justice and may be sent by fax or electronic transmission. An agency specified in Section 11165.9 receiving a written report from another agency specified in Section 11165.9 shall not send that report to the Department of Justice.

#### **16501(f) Welfare & Institutions Code**

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=16001-17000&file=16500-16521.5>

As used in this chapter, emergency response services consist of a response system providing in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation, as required by Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of investigation pursuant to Section 11166 of the Penal Code and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in his or her own home or to protect the safety of the child. County welfare departments shall respond to any report of imminent danger to a child immediately and all other reports within 10 calendar days. An in-person response is not required when the county welfare department, based upon an evaluation of risk, determines that an in-person response is not appropriate. This evaluation includes collateral contacts, a review of previous referrals, and other relevant information, as indicated.

## Appendix C

### DFCS CAN Center & Referrals Monthly Statistical Summary April, 2015



#### CAN Center Telephone Calls

	2015 April	2015 March	2015 Feb*	2015 Jan*	2014 Dec	2014 Nov	2014 Oct	2014 Sept	2014 Aug	2014 July	2014 June	2014 May	2014 April
Calls Answered	1902	2094	1667	1362	1601	1893	2185	2103	1666	1496	1508	2108	1877
Voicemail returned	84	94	59	115	65	54	74	140	84	14	74	114	92
Total Hotline Calls Responded	1986	2188	1726	1477	1666	1747	2259	2243	1690	1470	1582	2222	1969
% Calls Responded	93%	94%	79%	95%	95%	94%	93%	91%	93%	96%	91%	92%	90%
Joint Response Calls from Law Enforcement	35	44	39	32	22	17	34	25	25	12	30	23	32
<b>TOTAL CALLS RESPONDED</b>	<b>2021</b>	<b>2232</b>	<b>1765</b>	<b>1509</b>	<b>1688</b>	<b>1764</b>	<b>2293</b>	<b>2268</b>	<b>1715</b>	<b>1482</b>	<b>1612</b>	<b>2245</b>	<b>2001</b>
Total Incoming Calls	2131	2321	2196	1556	1756	1832	2435	2405	1825	1536	1733	2406	2177
Abandoned Calls	125	112	291	85	78	94	154	189	126	48	128	156	171
% Abandoned Calls	6%	5%	13%	5%	4%	5%	6%	8%	7%	3%	7%	6%	8%

Total Hotline Calls Responded = Calls Answered + VM Returned

TOTAL CALLS RESPONDED - includes Joint Response Calls from Law Enforcement

\* January and February 2015 months experienced a phone system upgrade that interrupted calls entering the CAN Center with a 66 system call error for February.

#### Summary of ER Referrals

Month	Apr2015	Mar2015	Feb2015	Jan2015	Dec2014	Nov2014	Oct2014	Sept2014	Aug2014	July2014	June2014
Immediate	192	223	156	164	142	162	209	210	149	136	162
10-day	485	538	414	479	449	437	563	602	452	405	422
Evaluated Out	144	156	128	147	120	150	195	170	151	133	138
Not Determined	8	14	10	9	8	8	6	14	4	3	4
<b>Total</b>	<b>829</b>	<b>931</b>	<b>706</b>	<b>799</b>	<b>719</b>	<b>757</b>	<b>973</b>	<b>996</b>	<b>756</b>	<b>677</b>	<b>726</b>

\*Data from Safe Measures

#### Original 300 Petitions Filed – Mar 2015

Month	Apr2015	Mar2015	Feb2015	Jan2015	Dec2014	Nov2014	Oct2014	Sept2014	Aug2014	July2014	June2014
Original 300 Petitions	27	53	43	37	38	36	71	45	41	60	42

From: FAQs report – Active Children and Families

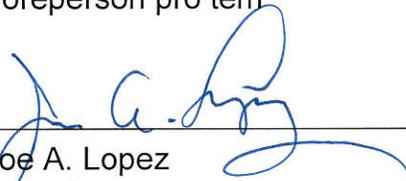
This report was PASSED and ADOPTED with a concurrence of at least 12 grand jurors on this 15th day of June, 2015.



Elaine K. Larson  
Foreperson



Wilma Faye Underwood  
Foreperson pro tem



Joe A. Lopez  
Secretary



James L. Cunningham, Jr.  
Secretary pro tem