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## **Child Abuse and Neglect Reporting Act (CANRA)**

0050-501.10 | Revision Date: 10/24/19

### Overview

This policy identifies those who are required to report under the [Child Abuse](#) and [Neglect Reporting Act \(CANRA\)](#) as well as the Immunities and Liabilities for mandated reporters, and the responsibilities of DCFS employees reporting or receiving reports of child abuse and neglect.

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## Version Summary

This policy guide was updated from the 07/01/14 version, to include mandated information regarding commercial sexual exploitation of children (CSEC) and child labor trafficking.

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# **POLICY**

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## **Mandated Reporters**

A mandated reporter is a person who is required to report known or suspected instances of child abuse and neglect if they, in their professional capacity or within the scope of their employment, observe a child who appears to be a victim of abuse, neglect, or exploitation.

In addition to mandated reporters, any concerned person may report suspected or known child abuse or neglect.

Although the CPH receives the majority of its referrals from agencies and persons outside of DCFS, any employee of DCFS who, within the scope of his/her employment, observes, or has [Reasonable Suspicion](#), or receives a report of abuse, neglect, caregiver absence/incapacity or exploitation from a source other than the CPH, must immediately contact the CPH to make a referral. This also applies to a case that is currently open to that CSW.

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## **Commercial Sexual Exploitation**

Commercial [Sexual Exploitation](#) is a form of child abuse that must be reported to the Child Protection Hotline.

Federal law describes Commercial Sexual Exploitation/Sex Trafficking as "the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a sexual act."

"Severe forms of trafficking in persons" is defined as "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age."

This means that any child under the age of 18 who is induced to perform a commercial sexual act is considered a sex trafficking victim regardless of whether force, fraud, or coercion is present.

WIC 300(b)(2) describes CSEC as a child who is sexually trafficked or who receives food or shelter in exchange for, or who is paid to perform, sexual acts and whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision. These children are known as commercially sexually exploited children.

The commercial aspect of the sexual exploitation is critical to separating the crime of trafficking from sexual assault, molestation, or rape. The term 'commercial sex act' is defined by the Federal Trafficking Victims Protection Act as the giving or receiving of anything of value (money, drugs, shelter, food, clothes, etc.) to any person in exchange for a sex act.

Youth will often disclose incidents of physical and sexual assault that occurred during the runaway episodes. Occasionally, they will disclose pertinent information about their exploiters. All suspected incidents of abuse or neglect, including sexual assault, physical abuse, kidnapping, and suspicion that a youth has experienced a new incident of exploitation must be reported to law enforcement and child welfare agencies investigating authorities. Remember to contact the CPH in a timely manner to generate a referral, even if the child has an open child welfare case. A new SCAR must be submitted to law enforcement for each suspected crime.

Any minor who is engaged in commercial sexual activity, whether as a suspected victim, recruiter, or exploiter, must be reported as a victim of child abuse.

Examples of Commercial Sexual Exploitation (CSE):

- Street exploitation
- Exchange sexual acts in home or hotel settings
- Arranging the exchange of sexual acts on the internet/social media
- Production of nude or sexually explicit images or video content
- Exchanging sexual acts for goods or services (housing/food/protection)
- Advertising a minor for sexual purposes
- Encouraging/coercing/threatening a person to exchange sexual acts

Exchanging sexual acts to meet a basic need is sometimes referred to as "survivor sex".

SB 794 (2016) mandates that youth who return from a runaway episode should be assessed for CSE. If there is a reasonable suspicion that CSE occurred during the runaway episode, call the CPH to report child abuse. Every new incident of CSE must be reported to the CPH.

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## **Labor Trafficking**

Labor trafficking is also a form of child abuse that must be reported to the CPH. Labor trafficking is the use of "force, fraud, or coercion" leading a child or youth to perform a labor or provide a service. Force involves physically restraining or harming a victim. Fraud deceives victims about aspects of their employments including job duties, work conditions, and payment. Coercion includes threats of serious psychological/physical harm to the victims or their loved ones, or real or threatened abuse of the legal system. Children and youth may experience labor and sex trafficking simultaneously. Common industries of concern include agriculture, domestic work, health and beauty, restaurants, small businesses, gang-involved drug sales/gun carrying, traveling sales crew, and peddling/begging rings.

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## **Substance Abuse**

In instances where the parent's inability to provide the child(ren) with adequate care and supervision is solely based on substance abuse, a report must be made to a county welfare or probation department and not to law enforcement.

## **Immunities/Protections**

### **Employer Relationship**

- Internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, consistent with the law.
- No supervisor or administrator may impede or inhibit the employee's reporting duties, nor may any person be punished or subject to any sanction for making a report.
- No employee is required to disclose to their employer that they have made a child abuse and neglect report.
- No agency or person may disclose the identity of any person making a report to that person's employer, except with the employee's consent or by court order.

### **Confidentiality**

- The identity of any person making a report is confidential and can only be disclosed among agencies receiving or investigating mandated reports or to the district attorney in a criminal prosecution.

- No agency or person may disclose the identity of any person making a report, except with the employee's consent or by court order.

## **Protection from Liability**

- No mandated reporter who reports a known or suspected instance of child abuse or neglect will be civilly or criminally liable for any report required or authorized under CANRA. This immunity applies even if the mandated reporter acquired the knowledge or Reasonable Suspicion of child abuse or neglect outside of his or her professional capacity or outside the scope of his or her employment.
- Any person providing access to the victim of a known or suspected instance of child abuse or neglect at the request of a government agency investigating such a report will not incur civil or criminal liability as a result of providing access to that agency.

## **Photography**

- Mandatory reporters or those acting under their direction will not incur any civil or criminal liability for taking photographs, or causing photographs to be taken, of a suspected victim of child abuse or neglect or for disseminating the photographs with the required reporting.

## **Legal Fees**

- Should action be brought against any person making a required or authorized report, despite the immunities described above, they will not be unfairly burdened by legal fees incurred in defending those actions.

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## **Liabilities**

### **Failure to Report**

A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor and subject to imprisonment or fine.

### **Violation of Confidentiality**

Reports of child abuse and neglect are confidential and may be disclosed only under specific circumstances. Violation of this confidentiality is a misdemeanor punishable by imprisonment or fine.

### **Unauthorized Disclosure**

When a state makes a request to an out-of-state agency to check child abuse registries for foster or adoptive placements, the request must cite the safeguards in place to prevent unauthorized disclosure of information by the requesting state.

## **Feedback to Reporters**

The reporting party must be informed about the disposition of their report.

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# **PROCEDURE**

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## **A DCFS Employee Observes or Suspects Child Abuse**

All requests for child protective services on new or existing cases must be directed to [the Child Protection Hotline \(CPH\) for initial assessment](#). Requests may be made by telephone, in writing, or in-person.

### **DCFS Employee Responsibilities**

1. If a DCFS employee observes, suspects, or receives a report of abuse, neglect, caregiver absence/incapacity, or exploitation from a source other than the CPH, that employee must immediately contact the CPH to [make a referral](#).
2. If an investigation on a referral regarding children in Out-of-Home care reveals that the caregiver's biological/adopted children are victims of abuse or at risk of abuse, contact the CPH immediately to make a referral.

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## **Prior to Concluding the Reporting Telephone Call**

### **CPH CSW Responsibilities**

1. Assign an appropriate response time for the referral. Inform the caller of the response time. If the response time is unknown, proceed to step 2.
2. If the caller is a mandated reporter, inform him or her of the response time. If the caller is not a mandated reporter, it is not necessary to contact him or her to give information regarding the response time.
3. Provide the mandated reporter with the referral number, telephone number and name of the office that will provide the in-person response.

- Direct the mandated reporter to record the referral number on the Suspected Child Abuse Report (SCAR) form SS8572 that they will mail to the Child Protection Hotline.
  - Inform the mandated reporter that the SCAR SS 8572 can also be submitted electronically on the DCFS website by way of the Suspected Child Abuse Reporting System for Mandated Reporters. <https://mandreptla.org/>
4. If the caller is not a mandated reporter do not provide the referral number. Provide only the telephone number and name of the office that will provide the in-person response. If the response is to be handled by the Emergency Response Command Post, provide their contact telephone number.

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## **Responding to Inquiries on an Open Referral/Case**

### **CPH CSW Responsibilities**

1. Ask the caller if he or she has allegations that he or she would like to report.
  - If yes, then generate a referral.
    - Pursuant to a special order of the Presiding Judge of the Juvenile Court, the Department is [authorized to release](#) the name and phone number of the CSW on an open referral and/or case to a requesting party.
  - If no, and the inquiry is on an open referral and/or case, search the CWS/CMS database to locate the client.
    - Use the client's abstract to determine the identity and location of the case-carrying/ER CSW.
2. Ask the caller for his or her contact information.
  - Refer the caller to the case-carrying/ER CSW
  - Complete an Information/Consultation Call Form with the details of the inquiry
  - Map the form to the case-carrying/ER CSW
3. Attach the completed form to the referral and/or case record.
4. Print and forward the CSW Information/Consultation Call Form to the SCSW for final review and approval.

5. Forward the Information to CSW Information/Consultation Call Form to the clerical support staff for processing.
6. If the client does not have any open services with DCFS, inform the caller and generate a Consultation form.
7. If the client does not have any open services with Los Angeles County, but does with another county, inform the caller and provide him or her with the contact number for that agency and generate a Consultation form.

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## **APPROVALS**

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### **SCSW Approval**

- CSW Information/Consultation Call Form

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## **HELPFUL LINKS**

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### **Forms**

#### **CWS/CMS**

SS 8572, Suspected Child Abuse Report (SCAR)

#### **Hard Copy**

CSW Information/Consultation Call Form

### **Referenced Policy Guides**

[0050-502.10](#), Child Protection Hotline (CPH)

[0500-501.20](#), Release of Confidential DCFS Case Records Information

### **Statutes**

[Penal Code Section 11165.7](#) – Provides definition of mandated reporter, as well as training requirements and suggestions for employers of mandated reporters and other staff and volunteers whose duties require direct contact with and supervision of children and who are encouraged to report known or suspected instances of child abuse or neglect.

[Penal Code Section 11166](#) – Describes the reporting duties and responsibilities of a mandated reporter, requirements of reporter's employer, supervisor, or administrator, definition of "reasonable suspicion," and immunities and liabilities, including punishment for violations.

[Penal Code Section 11166.05](#) – Describes reporting duties when mandated reporter has knowledge or reasonable suspicion that child is suffering, or is at substantial risk of suffering, serious emotional damage.

[Penal Code Section 11167\(d\)](#) and [11167.5\(a\)](#) – Describes confidentiality requirements and exceptions for mandated reporters, employers, and reports.

[Penal Code Section 11172](#) – Describes immunities for mandated reporters.

[WIC 300\(b\)\(2\)](#) – Describes child sexual exploitation as a child who is sexually trafficked, or who received food or shelter in exchange for, or who is paid to perform sexual acts described in Section 236.1 or 11165.1 of the Penal Code, or whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.

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