MANDATED SUPPORTERS – CLINICAL PRACTICE GUIDELINES

I. PARAMETER GOAL

a. To educate and define for the workforce on the definition of General Neglect as defined by AB 2085 and SB 1085.

b. **AB 2085:** The Child Abuse and Neglect Reporting Act (CANRA) establishes procedures for the reporting and investigation of suspected child abuse or neglect. CANRA requires certain professionals, known as "mandated reporters," to report known or reasonably suspected child abuse or neglect to a local law enforcement agency or county welfare or probation department, within certain timeframes. Under existing law, CANRA defines "general neglect" as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

   i. Assembly Bill 2085 (AB 2085), which took effect on January 1, 2023, revises the definition of general neglect by narrowing it to circumstances in which the child is at substantial risk of suffering serious physical harm or illness. AB 2085 further provides that general neglect does not include a parent's economic disadvantage. Legislation Information AB 2085.

c. **SB 1085:** Seeks to protect and keep families together by redefining the definition of neglect. When determining child "neglect" in Juvenile Dependency Court (Court) hearings, the overly broad definition can put families at risk. This bill will provide critical protection for California's families vulnerable to separation based on factors such as poverty, homelessness, and a lack of access to basic resources. Fact Sheet SB 1085

d. It is intended to ensure compliance with applicable laws and to protect children from harm while promoting a focus on community-based supports to reduce disproportionality and avoid unnecessary removal of children from families due to economic hardship. The current model of mandated reporting "is not designed to prevent child abuse and neglect by strengthening protective factors and connecting families in need to supportive resources." Furthermore, the current model perpetuates "the starting point for the overwhelming overrepresentation of children and families of color, particularly Black children, and families." Data from Supporting Families shows that:

   i. Black children comprise only 7.7% of LA County's General population, but they are the subject of 19% of all reports made to the Child Protection Hotline.

ii. A 2020 analysis found that 1 in 3 Black and Native American children in LA County were reported to the Child Protection Hotline by their fifth birthday.

iii. Black children are more likely to be placed in foster care and experience negative outcomes while in care compared to other races.

e. Review DMH Policy 303.02 and 303.02-P about reporting suspected child abuse and neglect.

II. TERMINOLOGY

a. "Anti-Racism" means "the active process of identifying and eliminating racism by changing systems, organizational structures, policies and practices and attitudes, so that power [and resources are] redistributes and shared equitably." (National Action Committee on the Status of Women International Perspectives: Women and Global Solidarity)

b. "Anti-Racism, Diversity, Inclusion (ARDI) Initiative" is an initiative passed in July 2020 by the Los Angeles County Board of Supervisors to establish an Anti-Racist Los Angeles County Policy Agenda to address "generational inequality and system anti-Black racism."

c. "Equity" refers to the "idea that differences matter and that systems must be balanced to distribute resources and opportunities needed to reach equal outcomes by treating everyone justly according to their circumstances."

d. "General neglect" means the negligent failure of a parent/caregiver having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred, but the child is at substantial risk of suffering serious physical harm or illness.

i. Substantial risk means that without intervention, the child is likely to experience serious harm in the future.

ii. Parent/caregiver's economic disadvantage is not general neglect.

iii. Economic disadvantage refers to situations where families do not have enough money or resources to meet their daily basic needs.

1. For considerations of economic disadvantage, see Section III. Measures (Assessment) and Section IX, Resources.

e. "Mandated reporters are individuals who are legally bound to make reports of known or suspected child abuse or neglect. They include numerous categories of persons who, because of the nature of their position, are more likely to become aware of child abuse or neglect. A full list of mandated reporters is contained in California Penal Code section 11165.7." DMH Policy 303.02 identifies the following workforce members are identified as mandated reporters:

   i. Employees
   ii. Legal entities practitioners
   iii. Fee-for-service (FFS) practitioners
   iv. Locum tenens,
   v. Interns,
   vi. Trainees,
   vii. Volunteers,
   viii. Contract workers, and
   ix. Other persons, paid or unpaid, whose conduct in the performance of work for the Department or its offices, program, or facilities is under the direct control of the Department, office, or program, regardless of whether they are paid or unpaid by the Department/County.

f. "Reasonable suspicion" means that 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 the person's 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; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

g. "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that their person or health is endangered as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

III. MEASURES

a. Utilize the Child and Adolescent Needs and Strengths (CANS) tool to identify the caregivers' strengths and areas of resources and needs. Prioritize their needs on the Problem List.

b. Staff are encouraged to review the General Neglect Decision Tree for Mandated Reporters as a guide.

IV. TREATMENT PLANNING

a. Staff are encouraged to refer families in need to various community-based support services, including public benefits programs, family resource centers, faith-based organizations, and other programs offering concrete economic support.

b. Emphasis should be placed on assisting families in obtaining basic needs, reducing financial stress, and addressing factors contributing to economic insecurity.

V. PROVISION OF SERVICE

The following highlights general timeframes for linkage to services as outlined in the LAC DMH Access to Care policy (it is recommended that the policy be read in its entirety for):

a. If a client or potential client who requests services appears to be in need of emergent services, they need shall be addressed as soon as possible and in cases within the same day as the request.

b. If the client or potential client is in need of urgent services, an appointment shall be offered within 48 hours unless pre-authorization for the service is required. If pre-authorization is required, the appointment shall be offered within 96 hours.

c. If screening/triage indicates the client or potential client is in need of expedited services (e.g., in distress, has run out of medications, or is about to run out of medications), an appointment shall be offered in such a time as to prevent significant deterioration in mental health status.

d. If the client or potential client is being discharged or has been recently discharged from an acute psychiatric inpatient facility, jail, or juvenile justice facility, an appointment shall be offered within five (5) business days from the discharge date or date of request (if after the discharge date and within seven (7) days of discharge).

e. If a referral is scheduled through the ACCESS Appointment Line and designated as "priority", an appointment shall be offered with the appropriate level of staff within five (5) business days of the referral.

f. If the client or potential client requests routine Mental Health Services (MHS), Targeted Case Management (TCM), or Medication Support Services (MSS) not requiring a psychiatrist, an appointment shall be offered within 10 business days from the request date.

g. If the client or potential client requests routine MSS from a psychiatrist, an appointment shall be offered within 15 business days from the request date.

h. The appointment times for routine services may be extended beyond the 10 or 15 business day standard in certain circumstances identified in the policy.

VI. OUTCOMES AND MONITORING

a. Per the LAC DMH Access to Care policy, a Notice of Adverse Benefit Determination (NOABD) shall be issued when the Los Angeles County Department of Mental Health (DMH) System of Care is unable to serve a beneficiary within the time frames stated in this policy and in accord with LAC DMH Policy 200.04 (LAC DMH Access to Care policy).

b. Each provider shall implement quality review procedures, including corrective actions, to ensure appointments are offered within the time frames established by this policy (LAC DMH Access to Care policy).

c. The Quality Assurance Unit shall monitor timely access for the DMH System of Care on a quarterly basis or more frequently (LAC DMH Access to Care policy).

VII. STAFF TRAINING

a. Trainings should include topics that cover the challenges of initiating referrals, such as emotional responses for mandated reporters, best practices of initiating reports such as collaborating with parents/caregivers, referral and linkage, and more.

    i. See Attachment I for a list of Mandated Reporting Trainings and Resources

VIII. SUPERVISION AND CONSULTATION

a. To better support staff, supervisors must have knowledge of, and/or access to, local community resources that are available for the families served.

b. The Countywide Supervisors Forum should be leveraged as a platform to share resources. Additionally, a dedicated Countywide Supervisors Teams Channel should be created to centralize and maintain resources.

c. Team members and Supervisors are encouraged to actively participate in community forums, such as events, SALT meetings, Health Neighborhoods, Clergy Advisory, and more to be aware of available resources.

IX. RESOURCES

Regardless of whether a referral to the Child Protection Hotline is warranted, families can benefit from supportive services. See below for a list of resources:

a. Contact your agency's designated community liaison or resource directory to help identify potential community resources.

   i. DMH Service Area Navigators

b. Find local resources/services:

   i. One Degree

   ii. Call 211 or visit www.211.org

   iii. Find Help

c. Identify your local Community Family Resource Centers and/or Prevention & Aftercare Services

d. Call CalHOPE at (833) 317-HOPE(4673) or visit www.calhope.org for digital mental health supports for youth, young adults and families.

e. Resources for family of children and young adults with disabilities:

   i. Los Angeles Regional Center and Family Resource Center locator

   ii. Training and information: Family Empowerment Center

   iii. Special education support for people with disabilities: TASK

f. Learn more about the Los Angeles County Mandated Supporting Initiative (MSI) which has a vast array of resources for mandated reporters such as trainings, tools/tipsheets, a general neglect decision tree, and a Plan of Safe Care template.

X. REFERENCES

a. Review Access to Care policies (302.07, 302.07-P, 302.14, SC-09) for DO/LE providers when responding to initial requests for linkage to services

b. LAC Department of Mental Health Public Portal (compliancebridge.com)

Mandated Reporting Resources

Mandated Reporting Guide

ON THE WELLBEING FOR LA LEARNING CENTER

The **UCLA Prevention Center of Excellence** offers training, consultation, and implementation support for professionals in LA County. This collection of resources on the Wellbeing for LA Learning Center includes videos, courses, virtual trainings, and printable tools aimed at providing support to children and families throughout LA County.

Learning Tools

Whether you have time for a full training or are looking for quick tips, there is something designed to meet your needs on the Wellbeing for LA Learning Center.

- **Anytime Session:** A recorded virtual training that is available on demand.
- **Course:** An online multi-module activity with learning objectives, interactive prompts, videos, and knowledge assessment.
- **Learning Experience:** A curated activity focused on a specific topic.
- **Learning Pathway:** A series of milestones that group together activities.
- **Online Tool**: A downloadable handout, activity, information sheet, or article.
- **Resource Collection:** A grouping of courses, tools, and videos linked by topic.
- **Multimedia Item:** A standalone video or audio resource focused on a specific topic.

Learning Communities

The Prevention Center of Excellence offers online learning communities to support adoption and implementation of behavioral health, wellbeing, and healing practices. These online spaces help professionals share best practices across local agencies. It also allows members to ask for advice and receive suggestions for supporting students and nurturing growth. The Prevention Center of Excellence provides coaching and guidance to new moderators, including a Learning Community, called *Everything in Moderation*.

Interested in building a Learning Community on the Wellbeing for LA Learning Center?
Contact us at info@wellbeing4la.org.

Mandated Reporting Resources

Implementing Assembly Bill (AB) 2085: Guidance for Mandated Reporters in Los Angeles County

Anytime Session

Assembly Bill (AB) 2085 is a new California state law modifying the definition of reportable general neglect. This course provides Mandated Reporters in California with an overview of AB 2085 and guidance on how to implement the new law. Participants will learn concrete strategies to make more accurate, consistent, and equitable decisions about reporting suspected general neglect. Participants will also gain insight into approaches to supporting families in need when a report to the Child Protection Hotline is not required by law.

Q&A Panel on Implementing AB 2085 in Los Angeles County

Multimedia Item

Watch this Q&A video to learn more about AB 2085, the new law modifying the definition of general neglect.

Addressing Implicit Bias in Mandated Reporting

Anytime Session

Mandated reporters have the difficult task of reporting child abuse and neglect wherever and whenever they observe it. However, research shows our implicit biases may lead us to over-report families of color and for issues that may be solved by supportive social supports and referrals. In this virtual trainings, instructor Brianna Harvey will help educators and other mandated reporters identify any implicit biases that may influence their reporting and suggest additional ways to support families who need support. This virtual training will cover referrals to supportive resources, how to identify neglect that stems from poverty, and how to balance reporting requirements with supporting families.

Reducing Racial and Ethnic Bias in Child Abuse Reporting

Anytime Session

This seminar will strengthen the child abuse reporting skills of staff members and administrators in their work with families of color. This seminar will work towards that goal by exploring a brief history of child protective services and its role in society, reviewing the legal obligations and ethical standards related to child abuse reporting, examining of racial/ethnic disparities in the child welfare system, considering the role of culture in parenting practices, and assessing of how implicit and explicit bias may impact child abuse reporting decisions.

Mandated Reporting Resources

From Mandatory Reporting to Mandatory Supporting: Transforming Responses to Domestic Violence for Survivors and Their Children (3 Part Series)

Anytime Session

This is a three-part speaker series for the general public to change narratives, address misunderstandings about domestic violence and child welfare, and uplift new stories to drive structural changes for specific audiences in the child welfare and domestic violence communities. We will provide an overview of domestic violence and the transition from mandatory reporting to mandatory supporting. Recent relevant laws and policy changes will be discussed, as well as the role of law enforcement in domestic violence. The shift toward mandatory support will be discussed, along with its relevance in the medical field. We will emphasize the complicated relationship between domestic violence and mandatory reporting, and how these issues arise in mental health and healthcare settings.

Supporting Pregnant and Parenting People Struggling With Substance Use Through Plans of Safe Care

Anytime Session

In this Stress, Trauma, and Resilience (STAR) Seminar, the Los Angeles County Office of Child Protection and Health Management Associates will summarize the LA County Plans of Safe Care process and provide participants with tools and resources to initiate Plans of Safe Care from healthcare and hospital settings.

Assembly Bill 2085 General Neglect Decision Tree

Online Tool

The General Neglect Decision Tree is a tool designed to help Los Angeles County Mandated Reporters make more consistent and accurate reporting decisions that comply with AB 2085. This tool should be utilized after completing the Recommended Decision-Support Steps summarized in the corresponding tipsheet (Implementing Assembly Bill (AB) 2085: Strategies to Enhance Los Angeles County Mandated Reporters' Decision-Making).

Implementing Assembly Bill (AB) 2085: Strategies to Enhance Los Angeles County Mandated Reporters' Decision-Making

Online Tool

This tipsheet is intended to help Mandated Reporters in Los Angeles County better understand and comply with AB 2085. It highlights Recommended Decision-Support Steps developed to help Mandated Reporters make more accurate, consistent and equitable reporting decisions. These steps should be utilized together with the Assembly Bill 2085 General Neglect Decision Tree.

Mandated Reporting Resources

LA County Plan of Safe Care Template (Draft)

Online Tool

A Plan of Safe Care is a document jointly created by a pregnant or parenting person, their family, and care providers to assist with care coordination for substance-affected newborns or pregnant people using substances. Los Angeles County healthcare providers should help initiate a Plan of Safe Care when indicated and work collaboratively with the family to develop the plan. LA County has developed this draft Plan of Safe Care Template for healthcare providers to use if desired to initiate the Plan of Safe Care process in healthcare/hospital settings.

Los Angeles County Plan of Safe Care Process Map (Draft)

Online Tool

Los Angeles County has developed this draft workflow to support hospital and healthcare providers in initiating the Plan of Safe Care process in their respective healthcare/hospital settings. Reference this draft process map to see a model of how hospital teams can work together to initiate and implement Plans of Safe Care, and when to notify or make a report to the Child Protection Hotline.

LA County Department of Children and Family Services' Newborn Risk Assessment for Substance Affected Newborns

Online Tool

California state regulations are clear that a positive toxicology screen (either prenatally or at the time of birth) in and of itself does not indicate the need for a report to child protective services. Healthcare providers in Los Angeles County should complete this Newborn Risk Assessment (NRA) for Substance-Affected Newborns developed by the Los Angeles County Department of Children and Family Services. Completing the NRA will help healthcare providers assess for additional risk factors posed by the infant/family and determine if there is a need to consult and/or make a report to the Child Protection Hotline.

Slide Deck and Facilitator Guide for Implementing Assembly Bill (AB) 2085: Guidance for Mandated Reporters in Los Angeles County

Online Tool

Download the slides with facilitator notes that correspond to the presentation on Implementing Assembly Bill (AB) 2085: Guidance for Mandated Reporters in Los Angeles County here.