

REPLACES:

DUTY TO REPORT

SECTION: 31-503.1
PAGE NO:
ISSUED/REVISED: 5-1-92

DUTY TO REPORT
CRIMINAL ACTIVITY,
OUTSTANDING WARRANTS

SECTION: 31-707
PAGE NO: 1
EFFECTIVE: 5-1-92

1. PHILOSOPHY 2

II. DEPARTMENT POLICY 2

III. AFFIRMATIVE DUTY TO REPORT 2

 A. Child Abuse (Cal. Pen. Code §11165) 2

 B. Welfare Fraud (SDSS 20-005.322) 2

 C. Misuse of AFDC Funds (SDSS 20-101) 3

 D. Other Criminal Activity (SDSS 20-201) 3

 E. Tarasoff Warning 4

IV. CLIENT WITH OUTSTANDING WARRANTS-NOTICE TO THE
 BENCH OFFICER 4

 A. At time of hearing 4

 B. When a hearing is not-scheduled 4

V. POTENTIALLY VIOLENT CLIENTS 5

VI. REFERENCES 5

REPLACES:

DUTY TO REPORT

SECTION: 31-503.1
PAGE NO:
ISSUED/REVISED: 5-1-92

DUTY TO REPORT
CRIMINAL ACTIVITY,
OUTSTANDING WARRANTS

SECTION: 31-707
PAGE NO: 2
EFFECTIVE: 5-1-92

I. PHILOSOPHY

The social worker/client relationship is based on trust and should not be compromised by arranging for the client's arrest in court or in the office. The social worker is not a law enforcement officer. In terms of working with the family, it is important that parents feel that the agency is sincerely attempting to work with them in implementing the service plan. Social workers are expected to report when required by regulation or law. The extent of the social worker's responsibility is limited to reporting.

II. DEPARTMENT POLICY

Situations may arise which are not clear as to the social worker's responsibility or appropriate action. In those cases, staff are to consult with their immediate Supervisor and Division Manager. Clarification on Department Policy shall be referred to Central Administration Policy Staff.

Staff must advise their supervisors any time they are reporting criminal activity or they learn of a client's outstanding felony warrants.

III. AFFIRMATIVE DUTY TO REPORT

State regulations and law delineates the specific circumstances when a social worker, as a county welfare department employee, is required to report to the appropriate authority.

A. Child Abuse (Cal. Pen. Code §11165)

Social workers are mandated reporters under the Child Abuse Reporting Law and therefore are required to report instances of child abuse as defined by the Reporting Law.

B. Welfare Fraud (SDSS 20-005.322)

The social worker has a duty to report instances of suspected welfare fraud to the family's Eligibility Worker. Criteria for determining the existence of

REPLACES:

DUTY TO REPORT

SECTION: 31-503.1
PAGE NO:
ISSUED/REVISED: 5-1-92

DUTY TO REPORT
CRIMINAL ACTIVITY,
OUTSTANDING WARRANTS

SECTION: 31-707
PAGE NO: 3
EFFECTIVE: 5-1-92

welfare fraud are contained in the State Department of Social Services Manual Section 20-003.2 and summarized below:

1. Overpayment of aid or overissuance of Food Stamps resulting from failure to report information pertinent to determine eligibility or benefits; questionable situations where client will not cooperate in providing verification; knowledge of conflicting information which may effect eligibility or benefit amount.
 2. Situations involving embezzlement, collusion, conspiracy, trafficking, blackmarketing or other general program violations, forgery situations.
 3. Allegations of fraud from any governmental agency; public complaints containing facts which allege a crime.
- C. Misuse of AFDC Funds (SDSS 20-101)
The social worker has a duty to report to the family's Eligibility Worker when there are reasonable grounds to suspect that part of an AFDC grant is being willfully and knowingly used for the support of another person rather than for support of the needy children and caretaker.
- D. Other Criminal Activity (SDSS 20-201)
Incidents involving physical violence, abuse of a child, and other crimes which are witnessed or experienced by Social Service Department staff in the course of their duties shall also be reported promptly to the proper law enforcement agency.

If you witness physical violence or other crimes, you must also complete an ADM 23, Public/Staff Incident Report. If you were injured, an AK 30, Supervisor's Report of Occupational Injury or Illness, must also be completed.

REPLACES:

DUTY TO REPORT

SECTION: 31-503.1
PAGE NO:
ISSUED/REVISED: 5-1-92

DUTY TO REPORT
CRIMINAL ACTIVITY,
OUTSTANDING WARRANTS

SECTION: 31-707
PAGE NO: 4
EFFECTIVE: 5-1-92

E. Tarasoff Warning

If during the course of interviewing or counseling, a client makes a serious physical threat against a reasonably identifiable victim(s), the social worker is obligated to warn the person of the threat.

Social workers should immediately consult their supervisor and/or their Division Manager if they believe a client is likely to harm himself, an identifiable other person, or the property of another identifiable person.

IV. CLIENT WITH OUTSTANDING WARRANTS-NOTICE TO THE BENCH OFFICER

Social workers are required to report any outstanding warrants to the Bench Officer. The bench officer will determine the appropriate action and will decide if the client's attorney will be notified. Staff are not to report outstanding warrants directly to the bailiff or the client's attorney or to notify local law enforcement jurisdiction of the client's whereabouts.

A. At time of hearing

The social worker is to notify the appropriate bench officer that there is a warrant and the reason for the warrant, if known. Include your knowledge of the warrants in the court report. If the warrant is for a serious felony you may wish to verbally advise the bench officer also.

B. When a hearing is not scheduled

If the social worker learns of an outstanding warrant and there is not a hearing scheduled in the near future, the social worker should inform the bench officer by memo if the warrant is for a serious felony or a crime involving a child. Examples are:

1. Crimes where a child was the victim;
2. Warrants issued from other jurisdictions for child abduction;

REPLACES:

DUTY TO REPORT

SECTION: 31-503.1
PAGE NO:
ISSUED/REVISED: 5-1-92

DUTY TO REPORT
CRIMINAL ACTIVITY,
OUTSTANDING WARRANTS

SECTION: 31-707
PAGE NO: 5
EFFECTIVE: 5-1-92

3. Violent crimes where the child may be in danger.
4. Serious felonies not involving a child such as murder, manslaughter, mayhem, rape, kidnapping.

V. POTENTIALLY VIOLENT CLIENTS

Staff are responsible for alerting the Bailiff that a client is prone to violent behavior. This alert is to ensure the Bailiff is prepared to respond in the event of an incident.

VI. REFERENCES

State

SDSS Manual Section 20-003.2, Criteria for Fraud
SDSS Manual Section 20-005.322, County Responsibility
SDSS Manual Section 20-101, Suspected Misuse of AFDC Funds
SDSS Manual Section 20-201, Other Suspected Crimes
Cal. Penal Code §11165, Child Abuse Reporting Law
Cal. Civil Code §43.92
Tarasoff v. Board of Regents, 17 Cal. 3d 425 (1976)