

## Domestic Violence

Healthcare providers have many opportunities to identify victims of domestic violence, whether they have come for treatment of injuries or for vague somatic symptoms without clear cause, or through routine screening at initial and annual exams. Referral to community resources is always appropriate. In addition, a report is required in cases of current physical injury.

### Legal Requirements

According to California law (PC 11160), a health practitioner is required to make a report if he or she "provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is:

1. "suffering from any wound or other injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm," and/or
2. "suffering from any wound or other injury inflicted upon the person where the injury is the result of assaultive or abusive conduct."

Assaultive or abusive conduct includes "murder, manslaughter, torture, battery, sexual battery, incest, assault with a deadly weapon, rape, spousal rape and abuse of spouse or cohabitant."

### If the patient is being seen for another condition

If the physician sees evidence of physical injury and reasonably suspects it is the result of abuse, a report is required. If a provider is not treating a patient for a physical condition, he or she is not required to report domestic violence injuries (e.g., advice nurses not performing any physical assessment, or psychiatrists not treating any physical conditions).

### If the patient reports having been raped

A report is required, regardless of whether bruises or other injuries are present. Only a forensic examination is adequate to make a physical assessment for rape. A report is required on a past rape if not filed previously.

### Medical Record Documentation

The medical record should include:

- Comments made by the patient regarding the injury, how it occurred, the name of the person who caused the injury and any past domestic violence (whenever possible, use direct quotations).
- A map or sketch of the patient's body identifying the injuries and bruises, including shape, color, and size.
- A copy of the law enforcement reporting form.

### Referral to Community Resources

If you suspect that a patient is in an abusive relationship, whether there is evidence of physical evidence or not, it is important to refer to groups and resources that can provide assistance. Contact information for useful resources is listed here:



- CORA (Community Overcoming Relationship Abuse) Hotline (650) 312-8515 or (800) 300-1080
- National Domestic Violence Hotline, (800) 799-7233
- Rape Trauma Services (650) 692-7273
- Teens Concerned About Dating and Domestic Violence [www.teenrelationships.org](http://www.teenrelationships.org)
- Keller Center for Family Violence Intervention (medical and social services) (650) 573-2623

### Telephone report

A telephone report must be made **immediately** or as soon as practically possible to the law enforcement agency where the injury occurred while the patient is in your office. A list of law enforcement jurisdictions is included with these guidelines.

### Written report

In addition, a written report must be sent within two working days both to the law enforcement agency where the injury occurred (see list), and also to Disease Control and Prevention.

 **(650) 573-2919** fax  
 **Disease Control & Prevention**

**San Mateo County Health Dept.**  
**225 37<sup>th</sup> Avenue**  
**San Mateo, CA 94403**

A copy of the Domestic Violence and Assault reporting form is on the next page.

**For questions on reporting**, call the Keller Center Family Violence Intervention, (650) 573-2623.

### Liability

Health professionals and facilities who report known or suspected assault cannot be held civilly or criminally liable for making a report. Failure to report by a mandated reporter is a misdemeanor, punishable by a \$1,000 fine and/or six months in jail, and may result in civil suits or damages for subsequent injury to the patient.