



Child Abuse Recognition and Reporting in Pennsylvania

2 CE Hours

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Final Exam

1. General Protective Services are provided in situations of:
 - a. A child without proper parental care or control
 - b. Is without a parent, guardian or legal custodian
 - c. Is habitually and without justification truant from school
 - d. All of the above

2. A perpetrator is defined as:
 - a. a person who has committed child abuse
 - b. a domestic violence offender
 - c. a person unknown to the child
 - d. a stranger who threatens a child

3. Human Trafficking is defined as:
 - a. A perpetrator who is over 18 years old
 - b. The recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud or coercion
 - c. A punishable offense
 - d. Not a condition for reporting suspected child abuse

4. Mandated reporters are:
 - a. Not required to report suspected child abuse
 - b. Can be encouraged to make reports of child abuse
 - c. Defined as required to make a report of suspected child abuse when in contact or interacts with a child or is directly responsible for care of child or a person makes a specific disclosure to a mandated reporter that they have committed child abuse and are over 14 years old, but it does not require to have the child come before them to make the report
 - d. None of the above

5. The state and federal standards of confidentiality and privilege communications:
 - a. Are overridden by CPSL in regard to making a report of suspected child abuse
 - b. Prevent the mandated reported from making a report of suspected child abuse
 - c. Protect the mandated reporter from making a report of suspected child abuse
 - d. Only applies under certain types of cases related to suspected child abuse

6. Oral reports are to be followed with a written or electronic report (CY47):
 - a. Within 7 days of the report
 - b. Within 48 hours of the oral report
 - c. Not required if an oral report is made
 - d. Only in cases of a General Protective Services (GPS) report

7. A mandated reporter who fails to make a report of suspected child abuse:
 - a. Is counseled on the error
 - b. Is cited with a misdemeanor
 - c. Is subject to a charge of a third-degree felony
 - d. Must complete additional paperwork

8. When identifying suspected child abuse, the amendments in the Child Protective Services Law (CPSL):
 - a. Does not require the mandated reporter to identify the person responsible for the child abuse
 - b. Requires all health-related licensed professionals identified in the CPSL as mandated reporters to receive training
 - c. Requires a report be made when a specific disclosure has been made to a mandated reporter by an individual over the age of 14 years old
 - d. All of the above

9. Under the CPSL, if a person is required to report as a member of a staff in medical or other public institution, the mandated reporter is required to report:
 - a. After consultation with others
 - b. After receiving the approval from a supervisor
 - c. Immediately and thereafter notify the person in charge
 - d. Within 7 days of the incident

10. Protections for reporters means that:
 - a. A person who reports in good faith will have immunity from civil and criminal liability
 - b. No one is protected when making a suspected report of child abuse
 - c. Is protected for 60 days after making a report of suspected abuse
 - d. Only county employees have protection from liability

Overview of Child Abuse Recognition and Reporting in Pennsylvania

The first child protection law in Pennsylvania was enacted in 1967. The intention of this law was to allow county child welfare agencies the ability to investigate reports of child abuse made by physicians. In 1975, the Child Protective Services Law (CPSL) was passed that established the Child Abuse Hotline and Central Registry. The purpose of these laws was to encourage the reporting of suspected child abuse and to formally establish in each county a Child Protective Services that was able to investigate suspected cases of child abuse.

Subsequently, Pennsylvania amended the CPSL law over time but on December 31, 2014 there were 24 pieces of legislation enacted with the intent to change the way reporting, investigation, assessment, prosecution and judicial handling of child abuse cases.

The new laws have specifically:

- Amended the definition of child abuse and perpetrators
- Streamlined and clarified the mandatory child abuse reporting process
- Increased penalties for failure to report suspected cases of child abuse
- Enhanced protection for persons who report child abuse
- Promote the use of multi-disciplinary investigative teams to investigate child abuse
- Supported the use of information technology to increase efficiency and tracking of child abuse data

The changes in the child abuse reporting laws of 2015 reflect that all reports of suspected child abuse and GPS (General Protective Services) will be maintained at ChildLine through the Child Welfare Information Solution (CWIS). The ability to maintain all child abuse and GPS reports at the state level provides the opportunity to see involvement a family or child has with the child welfare system. This is a significant change from the previous system that had reports of child abuse maintained at ChildLine and GPS (General Protective Services) reports were maintained at the local county children and youth agency. The new electronic system allows reports of suspected child abuse and GPS to occur in a more timely manner of sharing information with both the county children and youth agency and law enforcement.

As a legislative update in October 2016, Pennsylvania enacted Act 115 of 2016. Act 115 made amendments to the Adoption Act, the CPSL and Juvenile Act to ensure Pennsylvania's compliance with specific federal requirements under The Child Abuse Prevention and Treatment Act (CAPTA). Specifically, Act 115 provides more information related to additional aggravated circumstances for involuntary termination of parental rights, which when present do not require reunification efforts to be made when a child is removed from the home. Those circumstances include when a parent has been found by a court to have committed sexual abuse against the child or another child of the parent or the parent is required to register with a sexual offender

registry. Act 115 also amends the CPSL by adding language to the definitions of perpetrator and child abuse, ensuring that children who are trafficked by a perpetrator for sex or labor can be identified as victims of child abuse and neglect within the child protective services system and provided services. Further, the law allows for the sharing of confidential information with law enforcement which has been enhanced under the CPSL as long as they are investigating severe form of trafficking in persons or sex trafficking.

The new laws are aimed to clarify who exactly is a mandated reporter in Pennsylvania and have greatly expanded the definitions of who is considered a perpetrator of abuse.

This training will review in detail the new changes in Pennsylvania law as related to child abuse. The training will define the difference in Child Protective Services vs. General Protective Services, criteria for a report being a CPS vs. GPS, the components of child abuse, act and failure to act, definitions of a perpetrator, the categories of child abuse, exclusions to child abuse, permissive reporters, mandated reporters, the reporting process, streamlining of the reporting process, protections for reporters, penalties for failure to report and the recognition of child abuse including physical and behavioral indicators.

The goal of this training is to provide the necessary information for licensed professionals to recognize and report child abuse.

Description of Child Welfare in Pennsylvania

Child Welfare is defined as services that are provided to ensure the safety of children. The child protection laws in Pennsylvania are in place to protect Pennsylvania's children from abuse and neglect. Pennsylvania also recognizes that child protection is an effort that includes collaboration with child protective services, community agencies and other constituencies to provide safe environments for children.

Building on CAPTA which was signed into law by President Nixon in 1974, the PA Child Protective Services Law (CPSL) was signed into law in 1975. This law was designed to protect children from abuse, allow the opportunity for healthy growth and development and whenever possible, preserve and stabilize the family. In Pennsylvania, the child welfare system is county-administered and the Department of Human Services Office of Children, Youth and Families is the agency that oversees the statewide provision of children's social services.

In 2016, ChildLine received 44,359 reports of suspected child abuse or neglect as compared to 42,018 in 2015 and 29,517 in 2014. In terms of substantiated reports per 1,000 children, 1.7 in 2016 compared to 1.6 in 2015 and total reports per thousand children, 16.3 in 2016 compared to 15.4 in 2015. Sexual abuse remains the leading category of abuse, followed by physical abuse. Parents continue to be the persons most responsible for abuse of their children. Amendments to

the CPSL, effective in December 2014, continue to drive increases in reports of child abuse. These amendments increased the number of mandated reporters of child abuse and added additional persons who could be identified as perpetrators of child abuse.

The Keep Kids Safe website (www.keepkidssafe.pa.gov) provides information related to mandatory reporting; training and reporting in child abuse recognition, information related to clearances; the Safe Haven Program; and prior year's annual child abuse reports.

Child Protective Services vs. General Protective Services

Description and Differentiation of the two types:

Child Welfare in PA is divided into two types: Child Protective Services (CPS) and General Protective Services (GPS).

General Protective Services include:

Those services and activities provided by each county agency for non-abuse cases requiring protective services as defined by the Department in regulations. General protective services are supports and services provided when protective services are required in non-abuse cases.

General Protective Services (GPS) protects the safety, rights and welfare of the child. GPS also assists parents in recognizing and correcting conditions that are harmful to their children and assists parents in fulfilling their parental duties more adequately in a manner that does not put their children at risk. This can include inadequate shelter, truancy, inappropriate discipline, hygiene issues, abandonment, and lack of appropriate supervision.

General Protective Services prevents the potential for harm to a child who meets one of several criteria:

- Is without proper parental care on control, subsistence, education as required by law or other care or control necessary for physical, mental or emotional health, or morals
- Has been placed for care or adoption in violation of law
- Has been abandoned by parents, guardian or other custodian
- Is without a parent, guardian, or legal custodian
- Is habitually and without justification truant from school while subject to compulsory school attendance

- Has committed a specific act of habitual disobedience of the reasonable and lawful command of his parent, guardian, or other custodian and who is ungovernable and found to be in need of care, treatment or supervision
- Is under 10 years of age and has committed a delinquent act
- Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined or ungovernable in subparagraph (vi)
- Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi)
- Is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa.C.S § 2511 (relating to grounds for involuntary termination) within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety or welfare of the child.

To summarize, General Protective Services receives reports for children that are potentially at harm due to their surroundings and/or living conditions

Child Protective Services (CPS):

These services and activities that are provided by the local children, youth and families agency for child abuse cases.

CPS cases require that the alleged abuse falls under the definition of child abuse as provided in the Child Protective Services Law.

In all CPS and GPS cases, the county agency completes a safety and risk assessment done by a trained professional.

Components of Child Abuse

There are three components of Child Abuse as defined by the Pennsylvania CPSL law. According to Pennsylvania law, all three must exist for child abuse to be substantiated:

- Child is an individual under 18 years of age
- Perpetrator must fit in one of the categories as defined in perpetrator section
- Act or failure to act: the law considers both the act of abuse which is something done to harm or cause potential harm to a child. Failure to act is something that is NOT done to prevent harm or potential harm to a child

The term child abuse has been amended to require that acts or failures to act be committed intentionally, knowingly or recklessly. This amended PA law clarifies how child abuse is defined. Any recent act or failure to act must be committed within two years of the date of the report to ChildLine

- A person acts knowingly when they are aware that their conduct is of that nature or that such circumstances exist and they are aware that it is practically certain that their conduct will cause such a result.
- A person acts recklessly when they consciously disregard a substantial and unjustifiable risk that the material element exists or will result from their conduct. The risk must be of such a nature and degree that, considering the nature and intent of the conduct and the circumstances known to them, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the situation.
- A person acts intentionally when they consciously engage in conduct of that nature or cause such a result and are aware of such circumstances or believe or hope that they exist.

Child Abuse, according to CPSL, means intentionally, knowingly or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent act or failure to act
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failure to act
4. Causing sexual abuse or exploitation of a child through any act or failure to act
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act
6. Creating a likelihood of sexual abuse or exploitation to a child through any recent act or failure to act
7. Causing serious physical neglect of a child
8. Engaging in any of the following recent acts:
 - (i) Kicking, biting, throwing, burning, stabbing or cutting a child in manner that endangers the child
 - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement
 - (iii) Forcefully shaking a child under one year of age
 - (iv) Forcefully slapping or otherwise striking a child under one year of age
 - (v) Interfering with the breathing of a child

- (vi) Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement
 - (vii) Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent
9. Causing the death of the child through any act or failure to act
10. Engaging a child in a severe form of trafficking of persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. 7102)

Pennsylvania expanded the criteria that defines a perpetrator:

Perpetrator: A person who has committed child abuse (and is a parent of a child, a person responsible for the welfare of a child, a person residing in the same home as a child, or paramour of a child's parent) as defined in this section. The following shall apply:

1. The term includes any of the following:
 - (i) A parent of the child
 - (ii) A spouse or former spouse of the child's parent
 - (iii) A paramour or former paramour of the child's parent
 - (iv) A person 14 years of age or older and responsible for the child's welfare
 - (v) An individual 14 years of age or older who resides in the same home as the child
 - (vi) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by a birth or adoption to the child
 - (vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. 7102).
2. Only the following may be considered a perpetrator for Failure to Act as provided in this section:
 - (i) A parent of a child
 - (ii) A spouse or former spouse of the child's parent
 - (iii) A paramour or former paramour of the child's parent
 - (iv) A person 18 years of age or older and responsible for the child's welfare

- (v) A person 18 years of age or older who resides in the same house as the child

Perpetrator includes any person responsible for the child's welfare:

- A person responsible for or has direct contact as an employee

This includes:

- (i) **Routine interaction** – Regular and repeated contact that is integral to the person's employment or volunteer responsibilities.
- (ii) Direct contact with children: the care, supervision, guidance or control of children, or routine interaction with children.
- (iii) Program, activity or service: a public or private educational, athletic, or other pursuit in which children participate. The term includes, but is not limited to the following:
 - A youth camp or program
 - A recreational camp or program
 - A sports or athletic program
 - An outreach program
 - An enrichment program; and
 - A troop, club or similar organization
- (iv) School employee: an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with the children.

The definition of a perpetrator is further clarified and expanded in Pennsylvania law:

Perpetrator now includes school employees. School employees are included as persons responsible for a child's welfare or having direct contact with children as an employee of child-care services, a school or through a program activity or service. The current law includes school employees to be considered perpetrators under the definition of person responsible for the child's welfare.

- Mandated reporters do not have to determine whether or not the person meets the definition of perpetrator in order to make this report

Categories of Child Abuse

There are actions that are considered under the amended law that is considered abusive and the following identifies the specific behaviors that constitute suspected child abuse and neglect.

The term “child abuse” shall mean intentionally, knowingly or recklessly doing any of the following:

- **Bodily injury:** results in impairment of physical condition or substantial pain rather than severe pain or lasting impairment
- **Serious mental injury:** a psychological condition that is diagnosed by a physician or licensed psychologist that:
 1. Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child’s life or safety is threatened; or
 2. Seriously interferes with a child’s ability to accomplish age-appropriate developmental and social tasks
- **Serious physical neglect:** any of the following when committed by a perpetrator that endangers a child’s life or health, threatens a child’s well-being, causes bodily injury or impairs a child’s health, development or functionality:
 - A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child’s developmental age and abilities
 - The failure to provide a child with adequate essentials of life, including food, shelter or medical care
- **Sexual Abuse or exploitation:** any of the following:
 1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes but is not limited to, the following:
 - (i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual
 - (ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual
 - (iii) Actual or simulated sexual activity for the purpose of sexual stimulation or gratification of any individual
 - (iv) Actual or simulated sexual activity for the purpose of providing visual depiction, including photography, videotaping, computer depicting or filming

This does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child’s age.

2. Any of the following offenses committed against a child:
 - (i) Rape as defined in 18 Pa. C.S. § 3121
 - (ii) Statutory sexual assault as defined in 18 Pa. C.S. § 3122

- (iii) Involuntary deviate sexual intercourse as defined in 18 Pa. C.S. § 3123
- (iv) Sexual assault as defined in 18 Pa. C.S. § 3124.1
- (v) Institutional sexual assault as defined in 18 Pa. C.S. § 3124.2
- (vi) Aggravated indecent assault as defined in 18 Pa. C.S. § 3126
- (vii) Indecent assault as defined in 18 Pa. C.S. § 3126
- (viii) Indecent exposure as defined in 18 Pa. C.S. § 3127
- (ix) Incest as defined in 18 Pa. C.S. § 4302
- (x) Prostitution as defined in 18 Pa. C.S. § 5902
- (xi) Sexual abuse as defined in 18 Pa. C.S. § 6312
- (xii) Unlawful contact with a minor as defined in 18 Pa. C.S. § 6318
- (xiii) Sexual exploitation as defined in 18 Pa. C.S. § 6318

Human Trafficking: the recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud, or coercion. Under federal law, sex trafficking (such as prostitution, pornography, exotic dancing, etc.) does not have to be force, fraud or coercion if the victim is under 18.

Labor Trafficking is labor obtained by use of threat of serious harm, physical restraint, or abuse of legal process. Examples: being forced to work for little or no pay from (frequently in factories and farms); domestic servitude (providing services within a household from 10-16 hours per day such s but not limited to: child care, cooking, cleaning, yard work, gardening etc).

Commercial Sex Act: Any sex act on account of which anything of value is given or received by any person.

Discussions and examples of severe forms of trafficking in persons

Sex trafficking in which as 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; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage (paying off debt though work); debt bondage (debt slavery, bonded labor or services for a debt or other obligation); or slavery (a condition compared to that of a slave in respect of exhausting labor or restricted freedom).

At risk youth populations for human trafficking

Youth in the foster care system

Youth who identify as LGBTQ

Youth who are homeless or runaway

Youth with disabilities
Youth with mental health and /or substance abuse disorders
Youth with a history of sexual abuse
Youth with a history of being involved in the welfare system
Youth who identify as native or aboriginal
Youth with family dysfunction

Victim identification/warning signs to include but not limited to:

A youth that has been verified to be under 18 and is in any way involved in the commercial sex industry, or has a record of prior arrest for prostitution or related charges
Has an explicitly sexual online profile
Excessive frequenting of internet chat rooms or classified sites
Depicts elements of sexual exploitation in drawing, poetry, or other modes of creative expression
Frequent or multiple sexually transmitted diseases or pregnancies
Lying about or not being aware of their true age
Having no knowledge of personal data, such as but not limited to age, name, and/or date of birth
Having no identification
Wearing sexually provocative clothing
Wearing new clothes of any style, getting hair and/or nails done with no financial means
Secrecy about whereabouts
Having late nights or unusual hours
Having a tattoo that he/she is reluctant to explain
Being in a controlling or dominating relationship
Not having control over own finances
Exhibit hyper-vigilance or paranoid behaviors
Express interest in or in relationships with adults or much older men/women

Exclusions from child abuse:

Exclusions are for substantiating child abuse, not exclusions to reporting child abuse.

- a. Environmental factors: no child shall be deemed to be physical or mentally abused based on injuries that result solely from environmental factors, such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides. This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.
- b. Practice of religious beliefs: if upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physical or mentally abused. In such cases the following shall apply:
 - 1) The county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.
 - 2) All correspondence with a subject of the report and the records of the department and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.
 - 3) The family shall be referred for general protective services, if appropriate.
 - 4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.
 - 5) This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.
- c. Use of force for supervision, control and safety purposes: the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:
 - 1) The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.
 - 2) The use of reasonable force is necessary:
 - (i) To quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property
 - (ii) To prevent the child from self-inflicted physical harm
 - (iii) For self-defense or defense of another individual; or
 - (iv) To obtain possession of weapons or other dangerous objects of controlled substances or paraphernalia that are on the child or within the control of the child.

- d. Rights of parents: nothing in this chapter shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purpose of supervision, control and discipline of their children. Such reasonable force shall not constitute child abuse.
- e. Participation in events that involve physical contact with child: an individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity, or an extracurricular activity that involves physical contact with a child does not, in itself, constitute contact that is subject to the reporting requirements of this chapter.
- f. Child-on-Child contact:
 - 1) Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator
 - 2) Notwithstanding paragraph (1), the following shall apply:
 - i. Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter:
 - A. Rape as defined in 18 Pa. C.S. § 3121
 - B. Involuntary deviate sexual intercourse as defined in 18 Pa. C.S. § 3123
 - C. Sexual assault as defined in 18 Pa. C.S. § 3124.1
 - D. Aggravated indecent assault as defined in 18 Pa. C.S. § 3125
 - E. Indecent assault as defined in 18 Pa. C.S. § 3126
 - F. Indecent exposure as defined in 18 Pa. C.S. § 3127
 - i. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight or scuffle entered into by mutual consent
 - ii. A law enforcement official who receives a report of suspected child abuse is not required to make a report to the department under section 6334 (a), if the person allegedly responsible for the child abuse is a non-perpetrator child
- g. Defensive force: reasonable force for self-defense of another individual, consistent with the provisions of 18 Pa. C.S. § 505 and 506 shall not be considered child abuse
- h. NOTE: These are exclusions to child abuse, not exclusions to reporting child abuse. If there is suspicion of child abuse, then make the report and the trained professionals will determine if there is substantial evidence that abuse occurred.

Provisions and responsibilities for Reporting Suspected Child Abuse:

Permissive reports can report suspected child abuse cases while mandated reporters MUST report

- a. **Permissive reporters:** Persons encouraged to report suspected child abuse. Any person may make an oral or written report of suspected child abuse, which may be submitted electronically or cause a report of suspected child abuse to be made to the department, county agency or law enforcement, if that person has reasonable cause to suspect that a child is a victim of child abuse.
- b. **Mandated reporters:** The following adults shall make a report of suspected child abuse, if the person has reasonable cause to suspect that a child is a victim of child abuse:
 - 1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
 - 2) A medical examiner, coroner, or funeral director.
 - 3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
 - 4) A school employee
 - 5) An employee of a child-care service who has direct contact with children in the course of employment
 - 6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization
 - 7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child
 - 8) A foster parent
 - 9) An employee of a social services agency who has direct contact with children in the course of employment
 - 10) A peace officer or law enforcement official
 - 11) An emergency medical services provider certified by the Department of Health
 - 12) An employee of a public library who has direct contact with children in the course of employment
 - 13) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment
 - 14) An independent contractor (with direct contact with children)
 - 15) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children

16) An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles ix and x of the Public Welfare Code.

- The new law clarifies the role of attorneys as mandated reporters with the mandate specific to attorneys who are affiliated with organizations that are responsible for care of children

i. Attorneys as Mandated Reporters: The amended CPSL now includes attorneys under persons required to report suspected child abuse.

- Attorney's affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children

ii. Privileged and Confidential Communications

a. General rule: The privileged communications states that the privileged and confidential communications between a mandated reporter and a patient or client of the mandated reporter shall not:

- 1) Apply to a situation involving child abuse.
- 2) Relieve the mandated reporter of the duty to make a report of suspected child abuse.

Some exceptions include:

b. Confidential communications: the following protections shall apply:

- 1) Confidential communications made to a member of the clergy are protected under 42 Pa. C.S. § 5943 (relating to confidential communications to clergymen).

For example: a priest is told in confession about suspected child abuse this is considered confidential communication and is not required to be reported.

- 2) Confidential communications made to an attorney are protected so long as they are within the scope of 42 Pa. C.S. §§ 5916 (relating to confidential communications to attorney) and 5928 (relating to confidential communications to attorney), the attorney work product doctrine or the rules of professional conduct for attorneys.

For example: an attorney is told by a client of suspected child abuse they are not required to report the information related to confidential communications to an attorney under attorney work product doctrine.

c. Privileged communication does not apply in cases of suspected child abuse and failure to report is a violation of the law

- c. **Reporting Process:** Mandated reporters are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse. The mandated reporter is required legally to report any suspected child abuse, they are not required to interview the child or identify the perpetrator.

Mandated reporters do NOT complete an investigation. The county children and youth agency completes the investigation.

Basis to report: if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances, they are required to make a report:

- 1) The mandated reporter comes in contact with child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
 - 2) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or the entity that is directly responsible for the care, supervision, guidance or training of the child.
 - 3) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
 - 4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
- Nothing shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.
 - Reporting without having to determine the relationship of the perpetrator to the victim child
 - Nothing shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.
 - It is NOT a reporter's responsibility to determine if the person who allegedly committed child abuse or harm to a child is a perpetrator.
- 1) Direct reports by the person who suspects
 - Whenever a person is required to report: in the capacity of the staff of a medical or other public or private institution, school, facility or agency, that person shall report immediately in accordance with section 6313 and shall immediately thereafter notify the person in

charge of the institution, school, facility or agency or the designated agent of the person in charge.

- Upon notification, the person in charge or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility or agency with the investigation of the report. Any intimidation, retaliation or obstruction in the investigation of the report is subject to the provisions of 18 Pa C.S. 4958 (relating to intimidation, retaliation or obstruction in child abuse cases). This chapter does not require more than one report form any such institution, school, facility or agency.
- Making a report:
 - Reports must be made immediately either orally to ChildLine 1-800-932-0313 or electronically through the Child Welfare portal at www.compass.state.pa.us/cwis
- If the reporter completes the electronic submission through the portal they have completed their mandated duty.
- A mandated reporter making an oral report of suspected child abuse shall also make a written report, Report of Suspected Child Abuse (CY47). The CY 47 is submitted within 48 hours to the department or county agency assigned to the case.
 - The failure of the mandated reporter to file the follow up written report (CY 47) after making an oral report shall not relieve the county agency from any duty and the county agency shall proceed as though the mandated reporter filed the report.
 - The approved written form (CY 47) can be found at www.keepkidssafe.pa.gov

Contents of Report

An oral or written report of suspected child abuse which may be submitted electronically shall include the following information, if known:

- The names and addresses of the child, the child's parents or any other person responsible for the child's welfare
- Where the suspected abuse occurred
- The age and sex of each subject of the report
- The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any siblings of the child
- The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual

- Family composition
- The source of the report
- The name, telephone number and e-mail address of the person making the report
- The actions taken by the person making the report, including actions taken under section 6314 (relating to photographs, medical tests and x-rays of child subject to report) 6315 (relating to taking child into protective custody) 6316 (relating to admission to private and public hospitals) or 6317 (relating to mandating reporting and post-mortem investigation of deaths)
- Any other information required by Federal law or regulations
- Any other information that the department requires by regulation

Reporting scenarios

Scenario 1: As a professional in your agency you are working with a child who is consistently fatigued, complains of being hungry has chronic untreated head lice and states that the caregiver/parent is often without adequate funds for food, electric and heating bills.

Do you report this case? Why/Why not?

Yes, report as possible neglect. This is a situation where the family may be referred for services that would fall under the category of GPS. GPS includes services provided for cases of non-serious injury or neglect and types of conditions that threaten a child's health and well-being. This case would fall under the description of GPS defined by CPSL.

Scenario 2: You notice in your neighborhood a young 10 year old child who appears to be left alone at home while the mother works the night shift at the local nursing home.

Do you report this case? Why/Why not?

Yes, report this as a possible referral to ChildLine as the child may be without proper parental care. General Protective Services protects the safety, rights and welfare of a child that can include inadequate supervision.

Scenario 3: A 14 year old female confides in you that she is involved with her coach who is 30 years old. The female further states that they plan on marrying when she graduates from high school.

Do you report this? Why/Why not?

Yes, report this to ChildLine, CPSL defines consensual activities between a child 14 years of age or older and another person 14 years of age or older and whose age is within 4 years of the child's age. The 30 year old coach is older than the 4 years of age or older, at 30 years old the coach is not within the 4 years of the child's age.

Scenario 4: You are in a restaurant for lunch during the academic school year and notice several young children working in the kitchen area of the restaurant.

Do you call this in? Why/Why not?

Yes, report as a possible obtaining a child for labor or services through the use of force, fraud or coercion.

Scenario 5: Two children are involved in a fight after school in a public park. One child is hurt and suffers a broken arm.

Do you call this in? Why/Why not?

Yes, but this can be considered as an exclusion to child abuse as there is no perpetrator as identified by CPSL but child to child contact as a result of a dispute, fight or scuffle. However, it is not the responsibility of the mandated reporter to determine exclusions to child abuse. Trained professionals will make the determination if child abuse occurred. This may be an exclusion to child abuse not is NOT an exclusion to reporting.

Scenario 6: You are made aware of a client's child who is admitted to the hospital on numerous occasions for unexplained gastrointestinal illnesses, dehydration and various food allergies. The child's symptoms seem to disappear when hospitalized. On one occasion the child states that mommy makes me drink water that tastes funny. Due to the client's long standing mental health issues you wonder if someone is causing the illness in the child.

Do you call this in? Why/Why not?

Yes, call ChildLine. Under CPSL child abuse includes intentionally, knowingly or recklessly, fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment of the child through any recent act.

Scenario 7: You make a home visit in your professional capacity and see a dog cage in the living room and there is no dog in the home. When you ask about the cage, the parent tells you it is used as a “time-out” for the 3 year toddler.

Do you report this? Why/Why not?

Yes, there is reasonable cause to suspect child abuse due to unreasonable restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

To whom and how quickly reports are made

- A mandated reporter shall immediately make an oral report of suspected child abuse to:

ChildLine – 1-800-932-0313

Or

An electronic report: www.compass.state.pa.us/cwis

If an oral report is made, a written report must be submitted within 48 hours to the department or county agency.

- After mandated reporters contact ChildLine with an oral report of suspected abuse, they must complete a written report:
 - The report of Suspected Child Abuse (CY 47) must be completed and forwarded to the agency in the county where the suspected abuse occurred within 48 hours of the call to ChildLine.
 - If making an electronic report using www.compass.state.pa.us/cwis then no other action is needed.

What happens after a report is made:

- Upon receipt of a report, the county agency shall commence within the time frames established in department regulations, an investigation of the nature, extent and cause of any alleged abuse or injury.
- A safety and risk assessment is completed on each case and services provided as determined appropriate by a trained professional.
- Mandated reporters are not required to distinguish between CPS or GPS reports.
- If a report is labeled as a GPS or CPS, ChildLine will forward the report of suspected child abuse to the local county children and youth agency, which investigates the report to determine if the allegations can be substantiated as child abuse/neglect and arranges for or provides the services that are needed to prevent the further maltreatment of the child.

- For CPS reports, the county children and youth agency must begin the investigation within 24 hours.
- A GPS referral is assessed for any needs and appropriate referrals for services that may be made for the children and family.
- All investigations must be completed in 30 days from the date of report made to ChildLine:
 - If a person identified falls under the definition of perpetrator, ChildLine will refer the report to the appropriated county agency for an investigation
 - If the person identified is not a perpetrator and the behavior reported includes a violation of a crime, ChildLine will refer the report to law enforcement officials
 - If a person identified falls under the definition of perpetrator and the behavior reported includes a criminal violation, ChildLine will refer the report to the appropriate county agency and law enforcement officials.

Completion of investigation- investigations shall be completed in accordance with the following:

- 1) Investigations to determine whether to accept the family for service and whether a report is founded, indicated or unfounded shall be completed within 60 days in all cases.
- 2) If, due to the particular circumstances of the case, the county agency cannot complete the investigation within 30 days, the particular reasons for the delay shall be described in the child protective service record and made available to the department for purposes of determining whether either of the following has occurred:
 - i) The county agency strictly followed the provisions of this chapter
 - ii) the county agency is subject to action as authorized under section 6343 (relating to investigating performance of county agency)
- 3) Where a petition has been filed under 42 Pa.C.S. Ch.63 (relating to juvenile matters) alleging that a child is a dependent child, the county agency shall make all reasonable efforts to complete the investigation to enable the hearing on the petition to be held as required by 42 Pa. C.S. 6335

Protections for reporters

Immunity from liability. - certain protections are in place for those making a good faith report of suspected child abuse.

- (a) **General rule.** – A person, hospital, institution, school, facility, agency or agency employee acting in good faith shall have immunity from civil and criminal liability that might otherwise result from any of the following:
 - a. Making a report of suspected child abuse or making a referral for general protective services, regardless of whether the report is required to be made under this chapter.
 - b. Cooperating on consulting with an investigation under this chapter, including providing information to a child fatality or near-fatality review team.
 - c. Testifying in a proceeding arising out of an instance of suspected child abuse or general protective services.
 - d. Engaging in any action authorized under section 6314 (relating to photographs, medical tests and x-rays of child subject to report) 6315 (relating to taking child into protective custody), 6316 (relating to admission to private and public hospitals) or 6317 (relating to mandatory reporting and postmortem investigation of deaths).
- (b) **Departmental and county agency immunity.** – an official or employee of the department or county agency who refers a report of suspected child abuse for general protective services to law enforcement authorities or provides services as authorized by this chapter shall have immunity from civil and criminal liability that might otherwise result from the action.
- (c) **Presumption of good faith.** - For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to section 6311 (relating to persons required to report suspected child abuse) and of any person required to make a referral to law enforcement officers under this chapter shall be presumed.

Penalties for Failure to Report

- (a) Failure to report or refer. –
 - 1) A person or official required by this chapter to report a case of suspected child abuse or to make a referral to the appropriate authorities commits an offense if the person or official willfully fails to do so.
 - 2) An offense under this section is a felony of the third degree if:
 - (i) The person or official willfully fails to report;
 - (ii) The child abuse constitutes a felony of the first degree or higher; and
 - (iii) The person or official has direct knowledge of the nature of the abuse.
 - 3) An offense not otherwise specified in paragraph (2) is a misdemeanor of the second degree.

- 4) A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter.

Continuing course of action

- If a person's willful failure under subsection (a) continues while the person knows or has reasonable cause to believe the child is actively being subjected to child abuse, the person commits a misdemeanor of the first degree, except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the third degree.
- **Multiple offenses:** a person who commits a second or subsequent offense under subsection (a) commits a felony of the third degree, except that if this child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.
- **Statute of Limitations-** the statute of limitations for an offense under subsection (a) shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater. (Nov.29, 2006, P.L. 1581, No.179, eff.180:Apr 15,2014. P.L. 414, No.32. eff. 60 days)

Mandated Reporters Right to Know

- If a report was made by a mandated reporter under section 6313 (relating to reporting procedures), the department shall notify the mandated reporter who made the report of suspected child abuse of the following:
 - Whether the child abuse report is founded, indicated or unfounded.
 - Any services provided, arranged for or to be provided by the county agency to protect the child

Conclusion

In December 2014, Pennsylvania amended laws to help reduce cases of child abuse, to improve the reporting process and to expand the list of individuals mandated to report child abuse cases. Included in the law are requirements to know and understand the child abuse reporting procedures, the expanded definition of who are considered perpetrators, and streamlined the process for reporting suspected cases of child abuse. The Child Protective Services Law also expanded the list of mandated reporters of suspected child abuse. As a mandated reporter, there is the duty to make a report of suspected child abuse and immediately report the abuse to ChildLine electronically or by phone. The changes in Pennsylvania law were made to address the societal problem of child abuse and neglect, to improve on the reporting processes, and to educate licensed professionals who are mandated reporters to recognize and

report child abuse. These changes reflect an ongoing commitment to the children of Pennsylvania and a renewed commitment to protect all children from abuse and neglect

Recognition of Child Abuse Indicators	
Physical Injury	
Physical Indicators	Emotional/Social Indicators
<ul style="list-style-type: none"> • Unexplained injuries 	<ul style="list-style-type: none"> • Fear of going home
<ul style="list-style-type: none"> • Unbelievable or inconsistent explanations of injuries 	<ul style="list-style-type: none"> • Extreme apprehensiveness/vigilance
<ul style="list-style-type: none"> • Multiple bruises in various stages of healing 	<ul style="list-style-type: none"> • Pronounced aggression or passivity
<ul style="list-style-type: none"> • Bruises located on face, ears, neck, buttocks, back, chest, thighs, back of legs and genitalia 	<ul style="list-style-type: none"> • Flinches easily or avoids being touched
<ul style="list-style-type: none"> • Bruises that resemble objects such as a hand, fist, belt buckle or rope 	<ul style="list-style-type: none"> • Play includes abusive behavior or talk
<ul style="list-style-type: none"> • Injuries that are inconsistent with a child's age or developmental level 	<ul style="list-style-type: none"> • Unable to recall how injuries occurred or account of injuries is inconsistent with the nature of the injuries
<ul style="list-style-type: none"> • Burns 	<ul style="list-style-type: none"> • Fear of parent or caregiver
Serious mental injury	
Physical Indicators	Emotional/Social Indicators
<ul style="list-style-type: none"> • Frequent psychosomatic complaints (nausea, stomachache, headache etc.) 	<ul style="list-style-type: none"> • Expressing feelings of inadequacy
<ul style="list-style-type: none"> • Bed-wetting 	<ul style="list-style-type: none"> • Fearful of trying new things
<ul style="list-style-type: none"> • Self-harm 	<ul style="list-style-type: none"> • Overly compliant
<ul style="list-style-type: none"> • Speech disorders 	<ul style="list-style-type: none"> • Poor peer relationships
	<ul style="list-style-type: none"> • Excessive dependence on adults
	<ul style="list-style-type: none"> • Habit disorders (sucking, rocking, etc.)
	<ul style="list-style-type: none"> • Eating disorders

Sexual Abuse and Exploitation	
Physical Indicators	Emotional/Social Indicators
• Sleep disturbance	Sexually promiscuous
• Bedwetting	Developmental age-inappropriate sexual play and/or drawings
• Pain or irritation in genital/anal area	Cruelty to others
• Difficulty walking or sitting	Cruelty to animals
• Difficulty urinating	Fire setting
• Pregnancy	Anxious
• Positive testing for sexually transmitted disease or HIV	Withdrawn
• Excessive or injurious masturbation	

Physical Neglect	
Physical Indicators	Emotional/Social Indicators
• Lack of adequate medical care and dental care	Not registered in school
• Often hungry	Inadequate or inappropriate supervision
• Lack of shelter	Poor impulse control
• Child's weight is significantly lower than what is normal for his/her age and gender	Frequently fatigued
• Developmental delays	Parentified behaviors
• Persistent (untreated) conditions (e.g. head lice, diaper rash)	
• Exposure to hazards (e.g. illegal drugs, rodent/insect infestation, mold)	
• Clothing that is dirty, inappropriate for the weather, too small or too large	

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- Senate Bill 33 – www.legis.state.pa.us/wu01/LI/LI/us/htm/2014/0034
- Senate Bill 31 – www.legis.state.pa.us/wu01/LI/LI/us/htm/2014/0/0044
- Senate Bill 44a – www.legis.state.pa.us/cfdocs/li/uconscheck.cfm
- Senate Bill 23 – www.legis.state.pa.us/wu01/LI/LI/us/htm/2013/0/0117
- ChildLine 1-800-932-0313
- Child help national Child Abuse Website: www.childhelp.org/pages/hotline-home
- Department of Public Welfare: www.dpw.state.pa.us
- Department of education www.portal.state.pa.us
- EPIC Suspected Child Abuse and Neglect (SCAN) www.pascan.org
- The Center for Children’s Justice: www.C4CJ.org