

support
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for
child
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CENTER FOR
EXCELLENCE
IN ADVOCACY

Recognizing and
Reporting Child
Abuse in
Pennsylvania

Disclosures

- Ms. Johnson has provided no disclosures.
- Ms. Dolan has provided no disclosures.

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Act 31 Credit Information

This course has been approved by the PA Department of Human Services and Department of State to meet mandated reporting (Act 31) license requirements.

To receive credit for this training, you must:

- **Sign in on the sign in sheet-** Please make sure to complete all fields accurately to ensure that the correct information is sent to the PA Department of State
- **Complete the pre/post test** (including name)
- **Complete the evaluation** (including name)


Failure to complete any of these tasks may result in no credit

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Support Center for Child Advocates



Mission:

To advocate for victims of child abuse and neglect with the goal of securing safety, justice, well-being and a permanent, nurturing environment for every child.

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Child Advocates: Who We Are

- Support Center for Child Advocates provides legal assistance and social service advocacy for abused and neglected children in Philadelphia County.
- Founded in 1977
- Staff of 21 social workers, 10 staff attorneys
- Over 300 active volunteer attorneys



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Objectives

1. To provide an overview of systems and infrastructure designed to protect children from abuse and neglect in Pennsylvania.
2. To review recent amendments to Child Protective Services Law (CPSL).
3. To identify categories of child abuse as defined in CPSL.
4. To help participants gain an understanding of potential indicators of abuse and how to recognize them.
5. To outline responsibilities of mandated reporters of suspected child abuse.
6. To define ethical duty and professional obligation to report suspected child abuse.

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Child Protective Services Law (CPSL)

- Strengthens our ability to better protect children from abuse and neglect by amending the definitions of child abuse and perpetrator.
- Streamlines and clarifies mandatory child abuse reporting processes.
- Sets penalties for failure to report suspected child abuse.
- Protects persons who report child abuse.

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Description of Child
Welfare in
Pennsylvania

2016 Annual Child Protective
Services Report

http://www.dhs.pa.gov/cs/groups/webcontent/documents/report/c_260865.pdf

ANNUAL
CHILD
PROTECTIVE
SERVICES
REPORT



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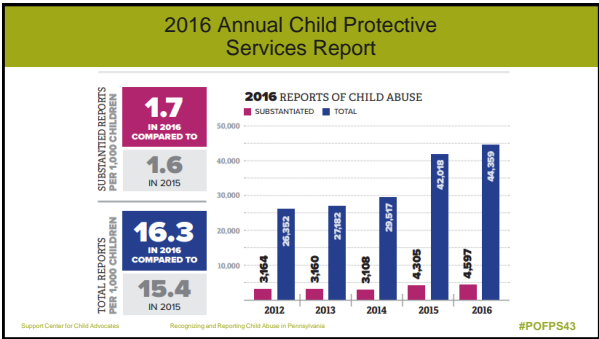
2016 Annual Child Protective Services Report

- In 2016, 44,359 reports for suspected child were received
 - an increase from the 42,018 reports from 2015
- In 2016, 4,597 (or 9.6%) of reports of child abuse were substantiated
 - compared to 4,305 or 9.7% substantiated in 2015)
- In 2016, sexual abuse remained the leading category of substantiated reports at 47.5% (3,078), followed by physical abuse/bodily injury at 26.9% (1,920).
- In 2016, there were 46 substantiated fatalities and 79 substantiated near fatalities in Pennsylvania due to abuse.

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County Agencies

County Children and Youth agencies are mandated by law to protect children from abuse and neglect.

These agencies provide:

- wide range of preventive, protection, and supportive services to work with children and families, with emphasis on family preservation.
- direct services through caseworkers, case aides, and network of contracted agencies.

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Two Categories of Service

Children and Youth agencies provide two categories of service:

Child Protective Services (CPS) –services and activities provided by each county agency for **child abuse** cases.

General Protective Services (GPS) – Preventative and protective services provided by each county agency in cases that do not qualify as "child abuse."

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Child Protective Services (CPS)

- State (PA-DHS) receives calls...county C&Y/CPS conducts "investigation"
 - ChildLine receives reports of suspected child abuse: 24 hour hotline
 - Phila-DHS operates "DHS Hotline"
- Refers reports to local county agencies for investigation
 - PA-DHS/OCYF investigates county staff and agents (i.e., foster parents, providers, etc)

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General Protective Services (GPS)

- GPS is a county-administered program of “assessment” and supportive services
- Safety net to protect the welfare of children in cases that do not rise to the level of child abuse
- Assists parents in recognizing and correcting conditions that are harmful to their children
- Assists parents in fulfilling their parental duties more adequately in a manner that does not put their children at risk.

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Responsibilities of
Reporting
Suspected Child
Abuse

Issues to be discussed

- WHAT is to be reported?
 - What is child abuse?
 - Exclusions from child abuse
- WHO is required to report?
- WHEN is reporting required?
- HOW to report?
- Privileges?
 - Physician-Patient
 - Attorney-Client
- Penalties for failure to report

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What is child
abuse?

Definitions

What is child abuse?

- The definition of “child abuse” has been dramatically expanded to include **10 separate acts** that are done **“intentionally, knowingly or recklessly”**
- “Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating the risk or harm to the child.”
- Effective December 31, 2014

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Components of Child Abuse

There are three components of Child Abuse

- Child** - A person under 18 years of age when the alleged act occurred.
- Perpetrator** - A person who has allegedly committed child abuse and meets certain criteria.
- Act, Recent Act or Failure to Act** – Recent act or omission of acts that causes harm or the risk of serious harm to a child

**Recent is defined as “committed within two years of the date of the report to the Department or county agency.”*

Under the current law, school employees are subject to the same definitions of child, perpetrator, and act as all other professionals. Prior to the most recent changes, school employees were treated differently under the law.

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Child

The CPSL defines child as “an individual under 18 years of age.”

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Perpetrator

“Perpetrator.” –

- (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 or having direct contact with children, as an employee of child-care services, a school or through a program, activity or service.
- (v) An individual who is 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 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.

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Perpetrator

(2) Only the following may be considered a perpetrator for failing to act:

- (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 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 home as the child.

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Act, Recent Act or Failure to Act

Act- Something that is done

Recent act- any act committed within 2 years of the date of the report to the Department of county agency

Failure to Act- something that is not done

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Child Abuse as defined by CPSL

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

Please note: The meaning of "intentionally", "knowingly", and "recklessly" are specified in 18 Pa.C.S section 302 (relating to general requirements of culpability)

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Child Abuse as defined by CPSL

(1) Causing bodily injury to a child through any recent act or failure to act.

"Bodily injury" = Impairment of physical condition or substantial pain.

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Child Abuse as defined by CPSL

(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.

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Child Abuse as defined by CPSL

(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 failures to act.

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Serious mental injury

"*Serious mental injury.*" --A psychological condition, as DIAGNOSED by a physician or licensed psychologist, including the refusal of appropriate treatment, 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.

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Child Abuse as defined by CPSL

(4) Causing sexual abuse or exploitation of a child through any act or failure to act.

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Child Abuse as defined by CPSL

(5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

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Child Abuse as defined by CPSL

(6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

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Child Abuse as defined by CPSL

(7) Causing serious physical neglect of a child.

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 functioning:

- (1) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

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Child Abuse as defined by CPSL

(8) Engaging in any of the following recent acts:

(i) Kicking, biting, throwing, burning, stabbing or cutting a child in a 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 at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

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Child Abuse as defined by CPSL

(vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

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Child Abuse as defined by CPSL

(9) Causing the death of the child through any act or failure to act.

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Child Abuse as defined by CPSL

(10) Engaging a child in a severe form of trafficking in persons or sex trafficking

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 require there be force, fraud or coercion if the victim is under 18.

Commercial sex act = Means any sex act on account of which anything of value is given to or received by any person

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Exclusions to Child Abuse

(a) *Environmental factors.* --“No child shall be deemed to be physically or mentally abused based on injuries that result of environmental factors such as inadequate housing, furnishing, income, clothing and medical care, that are beyond the control of the parent. . . .

(b) *Practice of religious beliefs.* --applies to sincerely held religious beliefs of the parents – but the law imposes detailed monitoring and other procedural requirements on the county agency.

(c) *Use of force for supervision, control and safety purposes.* --in certain limited circumstances, e.g. quell a disturbance, prevent the child from self-inflicted physical harm, self-defense of another individual; obtaining possession of weapons, etc.

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Exclusions to Child Abuse

(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 purposes 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.

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Exclusions to Child Abuse

(f) *Child-on-child contact.* Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who cause the harm or injury is a **perpetrator.**

(g) *Defensive force.* – “Reasonable force for self-defense or the defense of another individual”

Note: These exclusions apply to substantiation of child abuse, not to the requirement to report

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Recognition of Child Abuse

Recognizing Child Abuse and Neglect

- Child abuse affects children of every age, race, and income level. It often takes place in the home and comes from a person the child knows and trusts—a parent, relative, babysitter, or friend of the family.
- Often abusers are ordinary people caught in stressful situations: young mothers and fathers unprepared for the responsibilities of raising a child; overwhelmed single parents with no support system; families placed under great stress by poverty, divorce, or sickness; parents with alcohol or drug problems.
- A first step in helping or getting help for an abused or neglected child is to identify the signs and symptoms of abuse.

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Recognizing and Reporting Child Abuse in Pennsylvania

Source: ChildWelfare.gov

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Recognizing Child Abuse and Neglect

There are four major types of child maltreatment:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect

Different contexts:

- Observations in community
- Medical evaluations (differential diagnosis)
- CAC interviews

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Recognizing and Reporting Child Abuse in Pennsylvania

Source: Child Welfare Information Gateway

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Physical Abuse

Child

- Reports injury by a parent or another adult caregiver
- Abuses animals or pets
- Has unexplained burns, bites, bruises, broken bones, or black eyes
- Has fading bruises or other marks noticeable after an absence from school
- Seems frightened of the parents and protests or cries when it is time to go home
- Shrinks at the approach of adults

Parent

- Has a history of abuse as a child
- Offers conflicting, unconvincing, or no explanation for the child's injury, or provides an explanation that is not consistent with the injury
- Has history of abusing animals
- Describes the child as "evil" or in some other very negative way
- Uses harsh physical discipline with the child

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Source: childwelfare.gov

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Sexual Abuse

Child

- Reports sexual abuse by a parent or another adult caregiver
- Becomes pregnant or contracts a venereal disease, particularly if under age 14
- Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior
- Has difficulty walking or sitting
- Suddenly refuses to change for gym or to participate in physical activities
- Reports nightmares or bedwetting
- Experiences a sudden change in appetite
- Runs away
- Attaches very quickly to new adults

Parent

- Is unduly protective of the child or severely limits the child's contact with other children, especially of the opposite sex
- Is secretive and isolated
- Is jealous or controlling with family members

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Source: childwelfare.gov

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Emotional Maltreatment

Child

- Is either inappropriately adult (parenting other children) or inappropriately infantile (frequently rocking or head-banging)
- Is delayed in physical or emotional development
- Has attempted suicide
- Reports a lack of attachment to the parent
- Shows extremes in behavior, such as overly compliant or demanding behavior, extreme passivity or aggression

Parent

- Constantly blames, belittles, or berates child
- Is unconcerned about the child and refuses to consider offers of help for child's problems
- Overtly rejects the child

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Source: childwelfare.gov

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Neglect

The Child

- States that there is no one at home to provide care
- Abuses alcohol or other drugs
- Is frequently absent from school
- Lacks needed medical or dental care, immunizations, or glasses
- Is consistently dirty and has severe body odor
- Lacks sufficient clothing for the weather
- Begs or steals food or money

The Parent

- Appears to be indifferent to the child
- Seems apathetic or depressed
- Behaves irrationally or in a bizarre manner
- Abuses alcohol or other drugs

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Source: childwelfare.gov

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Human Trafficking
At Risk Populations

All children are at risk of being trafficked in the United States, although specific populations have increased vulnerability. Children at elevated risk for labor and/or sex trafficking include those who

- are currently experiencing separation from families and support networks, homelessness, and/or poverty;
- have experienced previous physical, sexual, or emotional abuse and/or neglect;
- have a history of family dysfunction;
- have involvement in the child welfare or juvenile justice systems;
- identify as LGBTQ;
- have limited English proficiency;
- have undocumented status;
- are American Indians or Alaska Natives;
- have a disability;
- have a mental health or substance use disorder

(Beck et al., 2015; Choi, 2015; Development Services Group, Inc., 2014, 2016; Greenbaum, 2014; Institute of Medicine & National Research Council [IOM & NRC], 2013; NHTRC, 2015; United States Department of State, 2015)

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Human Trafficking
Identification/Warning Signs

Youth who are experiencing trafficking may present with a wide variety of health complaints, making it important to always consider the possibility that trafficking may be occurring. Victim identification/warning signs include, but are 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
- 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 new clothes of any style, getting hair and/or nails done with no financial means
- Secrecy about whereabouts
- Having a tattoo that she/he is reluctant to explain
- Being in a controlling or dominating relationship
- Not having control of own finances
- Exhibit hyper-vigilance or paranoid behaviors
- Express interest in or in relationships with adults or much older men/women

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Impact of Trauma

Child abuse and neglect can have lifelong implications for victims, including on their well-being. While the physical wounds heal, there are several long-term consequences of experiencing the trauma of abuse or neglect. A child or youth's ability to cope and even thrive after trauma is called "resilience," and with help, many of these children can work through and overcome their past experiences.

Source: childwelfare.gov

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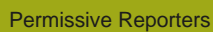




Permissive Reporters – those who can
Mandated Reporters – those who **must**

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23 Pa.C.S. § 6312

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Who is a mandated reporter?

- Previous -- ONE category: persons who come into contact with children in course of employment...
- Revised CPSL lists **16 categories** of "Mandated Reporters"

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Who is a mandated reporter?

Mandated reporters. --The following adults shall make a report of suspected child abuse, subject to subsection (b), 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.

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Who is a mandated reporter?

5. An employee of a child care service, who has direct contact with children in the course of employment.
 - “[Direct contact with children” is defined as “[t]he care, supervision, guidance or control of children, OR routine interaction with children.”]
6. A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.

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Who is a mandated reporter?

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 or has direct contact with a child.

Such as...

- youth camp or program
- recreational camp or program
- sports or athletic program
- community or social outreach program
- enrichment program
- troop, club or similar organization

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Who is a mandated reporter?

8. An employee of a social services agency, who has **direct contact with children** in the course of employment.

9. A peace officer or law enforcement official.

10. An emergency medical services provider certified by the Department of Health.

11. An employee of a public library, who has **direct contact with children** in the course of employment.

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Who is a mandated reporter?

12. 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.

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Who is a mandated reporter?

13. An independent contractor.

- **Independent contractor** is defined as: “[a]n individual who provides a program, activity or service to 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. The term does not include an individual who has no direct contact with children.”

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Who is a mandated reporter?

14. 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.

15. Foster Parent

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 (...)

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When to
report child
abuse?

When must a mandated reporter make a report?

...“if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse” [and]

1. ... **comes into contact with the child** in the course of employment, occupation and practice of a profession or through a regularly scheduled program activity or service.

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When must a mandated reporter make a report?

...“if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse” [and]

2. ... 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 other entity that is directly responsible of the care, supervision, guidance or training of the child.

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When must a mandated reporter make a report?

...“if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse” [and]

3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

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When must a mandated reporter make a report?

...“if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse” [and]

4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

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HOW to
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Staff of a Medical or Other Public Or Private Institution, School, Facility or Agency

- Member of staff of a medical or other public or private institution, school, facility or agency, is required to file a report immediately and THEN immediately 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 assume the responsibility for facilitating the cooperation of the institution, school, facility or agency with the investigation of the report.

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Privileged/Confidential Communications

(a) *General rule.* --Subject to subsection (b), the privileged 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.**

(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).

(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.

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Reporting Child Abuse

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Electronic Reporting Portal: www.compass.state.pa.us/cwis

- All others may call:

1-800-932-0313 (TDD: 866-872-1677)

- ChildLine accepts reports 24 hours a day, 7 days a week.
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You will be asked for information such as:

- The name of the child
- The child's home address
- The age of the child
- The name of the child's primary caregiver
- The concerns you have that prompted you to make the call

You can make the call anonymously and do not have to give your name or contact information.

Mandated Reporters: A mandated reporter making an oral report by telephone **must follow up with a written report (CY-47) to the Dept. of Human Services or the county agency assigned to the case within 48 hours of the oral report.**

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Reporting Process

(b) *Contents of report.* --A written report of suspected child abuse, which may be submitted electronically, shall include the following information, if known:

- (1) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of each subject of the report.
- (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.
- (5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
- (6) Family composition.
- (7) The source of the report.
- (8) The name, telephone number and e-mail address of the person making the report.
- (9) The actions taken by the person making the report, including those 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 mandatory reporting and postmortem investigation of deaths).
- (10) Any other information required by Federal law or regulation.
- (11) Any other information that the department requires by regulation.

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Streamlining the reporting process

Electronic Submission

(a) *Departmental procedures.* --The department shall establish procedures for the secure and confidential use of electronic technologies to transmit information under this chapter, including:

- (1) the filing of reports and other required records, including those of the county agency; and
- (2) the verification of records and signatures on forms.

(b) *Confirmation of reports.* --A confirmation by the department of the receipt of a report of suspected child abuse submitted electronically shall relieve the person making the report of making an additional oral or written report of suspected child abuse, subject to section 6313 (relating to reporting procedure).

(c) *Effect on other law.* --Nothing in this chapter shall be construed to supersede the act of December 16, 1999 (P.L. 971, No. 69), known as the Electronic Transactions Act. Any procedures developed by the department under this section shall comply with all applicable Federal and State laws regarding confidentiality of personally identifiable information.

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Reporting
Scenarios

Scenario 1

Maribel works at a large behavioral health service provider. She works exclusively with adults, but her co-workers have child clients. A client she is working with tells her that she is in a relationship with a man who is a registered sex offender. The client shares that this man has moved in with her and sometimes watches her children while she is at work. The children are not clients of the therapist or the agency.

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Scenario 1

- Is Maribel a mandated reporter in this situation?
- Is she compelled to report what her client disclosed?

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Scenario 1- Discussion

Because Maribel's agency serves children, she is a mandated reporter. Under Pennsylvania Law, if an individual over fourteen years of age comes before a mandated reporter and discloses that they abused, are abusing, or are complicit in abusing a child, the mandated reporter must report this to Childline.

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Scenario 2

Jessica is a dental hygienist. She sees a three year-old child who has his two front teeth knocked loose. His mother and boyfriend say that he tripped while walking up the steps. However, Jessica is extremely skeptical that tripping up the steps could cause such a serious injury. When she asks for a more detailed explanation, the boyfriend becomes very angry and defensive and the mother shuts down and looks fearful. Jessica also notes the child appears fearful and withdrawn. She gets the dentist and fills him in. The dentist examines and treats the child.

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Scenario 2

- **Is Jessica a mandated reporter?**
- **Should she make a report about what she observed?**
- **Should the dentist also call Childline to make a report?**

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Scenario 2- Discussion

Jessica is a mandated reporter. Based on the child's injuries, the lack of explanation, and the interactions within the family, she has reason to believe abuse is occurring within this family. She should report it immediately to Childline. The Dentist can make a separate report if they have additional information, but the Dentist is not required to report.

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Scenario 3

Bill works at an on-grounds school at a residential treatment facility. He has noticed on multiple occasions that his co-worker Ron uses inappropriate, unsanctioned restraints on students. He also feels that at times these restraints are not necessary and that the child could be de-escalated using other methods. On one occasion, Ron injured a child during the restraint, but told his supervisors that the child injured himself in an altercation with a peer prior to the restraint. Bill has discussed his concerns with his supervisor, Amy, who said she would talk to Ron, but Ron has continued to restrain inappropriately.

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Scenario 3

- **Bill is concerned about his own job if he makes too big a deal of Ron's behavior, but is he mandated to report his co-worker's actions?**

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Scenario 3- Discussion

Bill is a mandated reporter and required to report abuse within his own agency. Current Pennsylvania Law has provisions to protect workers from discrimination who report abuse at the agency that employs them.

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Protections for
Reporters & Penalties
for Failure to Report

CPSL – Protection from
Employment Discrimination

- Act 2014-34 contains protection from employment discrimination for persons who acted in good faith in making or causing the report of suspected child abuse to be made.
- Protections against discharge from employment or discrimination against that person with respect to compensation, hire, tenure, terms, conditions, conditions or privileges of employment.
- Act 2014-34 redrafts and restates the current protections that have been in the law since the 1970s.

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CPSL – Willful Failure to Report

(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.

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Reporters Right to Know

A mandated reporter who makes a report of suspected abuse is entitled to the following information:

- The final status of the child abuse report following the investigation, whether it be indicated, founded or unfounded; and
- The type of services provided, arranged or planned by the county agency to protect the child.

It is now the Department's responsibility to inform the mandated reporter within 3 business days after the investigation has been completed.

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REMEMBER

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Resources

Child Welfare Information Gateway. (2013). What is child abuse and neglect? Recognizing the signs and symptoms. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.
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Child Traumatic Stress Network; Child Welfare Trauma Training Toolkit. (2008). Accessed online at: <http://www.ncjrs.org/products/child-welfare-trauma-training-toolkit-2008a53>

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North Carolina Division of Social Services and Family and Children Resource Center (2005). Trauma and Children: An Introduction for Foster Parents. Fostering Perspectives. 10 (1). Accessed online at: http://www.fosteringperspectives.org/fc_v10n1/trauma.htm

Pennsylvania Medical Society (2014). Definition of Child Abuse- PAMED Consultant. Accessed online at: <http://www.pamedsoc.org/MainMenuCategories/Laws-Politics/Analysis/Laws-Analysis/Child-abuse/Child-abuse-definitions.pdf>

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Citations

Rape, as defined in 18 Pa.C.S. § 3121 (relating to rape).

(i) Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(ii) Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(iv) Sexual assault, as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(v) Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(vi) Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(vii) Indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(viii) Indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(ix) Incest, as defined in 18 Pa.C.S. § 4302 (relating to incest).

(x) Prostitution, as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(xi) Sexual abuse, as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(xii) Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(xiii) Sexual exploitation, as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

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