Mandated Reporting of Suspected Child Abuse
Knowing Your Role in the Protection of Children

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www.cvcerie.org

is a comprehensive victim assistance program serving victims of all types of crimes.
Services Available:

* 24 hour-hotline - Crisis Intervention
* Individual Counseling
* Support Groups
* Accompaniment to Criminal Justice Proceedings
* Information on Case Status
* Information & Referral
* Help with Crime Victim Compensation and Restitution
* Community Education

Mandated Reporting of Suspected Child Abuse
Knowing Your Role in the Protection of Children
Penny?

Unusual cases...
Still Pennies!
United States History of Child Protective Services

The Federal Children's Bureau was established to manage federal child welfare efforts, including services related to child maltreatment.

Amendments to the Social Security Act mandated that states fund child protection efforts.

ASPCA formed in 1866

1912 1958 1962

Professional and media interest in child maltreatment was sparked by the publication of Dr. C. Henry Kempe “The Battered Child Syndrome” in the Journal of the American Medical Association.

United States History of Child Protective Services

In response to public concern from Dr. Kempe’s research - all 50 states and the District of Columbia passed mandatory child abuse reporting laws.

Congress passed legislation in the Child Abuse Prevention and Treatment Act that provides funding for the investigation and prevention of child abuse. The act creates the National Center on Child Abuse and Neglect.

http://www.childwelfare.gov

1967 1974
Pennsylvania History of Child Protective Services

PA passed the first child abuse law giving all county child welfare agencies the powers and duties of investigating reports of child abuse made by physicians.

(1970- nurses and teachers added as mandated reporters)

The Child Protective Services Law was enacted. This law established the statewide Child Abuse Hotline and the Central Registry (ChildLine).

Amendments added:
- imminent risk
- student abuse
- recent defined as 2 years
- reasonable cause to suspect

1967 1974 1994

1982- Law Enforcement involved, longer retention of child abuse files
1985- Civil and criminal background checks required

2012-2014 Task Force on Child Protection created.

Amendments expand the definition of child abuse, perpetrator, and mandated reporter. Amendments change the process of reporting within institutions.

2007 2012 2013-2014

Amendments expand the obligations of mandated reporters to report suspected child abuse to ChildLine without regard for the relationship between the alleged abuser and the child.
### Purpose of the Child Protective Services Law

- Encourage more complete reporting of suspected child abuse
- Involve law enforcement agencies in responding to child abuse
- Establish in each county protective services to investigate reports swiftly and competently
- Protect abused children from further abuse
- Provide rehabilitative services for children and parents to ensure the child’s well-being
- Preserve, stabilize and protect the integrity of family life
- Assess risk of harm and prioritize response and services to children most at risk

(Child Protective Services Law § 63.02)

### Child Protective Services Agencies

<table>
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<tr>
<th>Child Protective Services (CPS)</th>
<th>General Protective Services (GPS)</th>
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<tr>
<td>• Investigates allegations of child abuse.</td>
<td>• Services and support provided for non-abuse cases requiring protective services.</td>
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<td>• Conducts a safety assessment and creates a safety plan.</td>
<td>• Helps caregivers to reduce the risk of behaviors becoming abuse.</td>
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<td>• Creates a safety plan if needed.</td>
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Definitions under CPSL

A Child
An individual under the age of 18.

(Child Protective Services Law § 63.03)

Definitions under CPSL

A Child
An individual under the age of 18.

A Perpetrator
A person who has committed child abuse.

(Child Protective Services Law § 63.03)
Other Definitions

**An Offender**
Anyone who has committed an abusive act upon a child and is not classified as a perpetrator.

**Could be an adult, teenager or child.**
9 Categories of Child Abuse

1. Bodily Injury
2. Fabricating, Exaggerating, or Inducing a Medical Symptom or Disease
3. Serious Mental Injury
4. Sexual Abuse or Exploitation
5. Likelihood of Bodily Injury
6. Likelihood of Sexual Abuse or Exploitation
7. Serious Physical Neglect
8. Specific Recent Acts of Child Abuse
9. Death of a Child

(Child Protective Services Law § 63.03)
**Bodily Injury**

Intentionally, knowingly, or recklessly causing bodily injury to a child through any recent act or failure to act.

- Substantial pain
- Impairment of a child's physical condition

**RECENT = 2 YEARS**

(Child Protective Services Law § 63.03)

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**Examples of Bodily Injury**

- Images of various injuries to a child's body.
Sunburn?

Fabricating, Exaggerating, or Inducing a Medical Symptom or Disease

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 to the child through any recent act.

RECENT = 2 YEARS

(Child Protective Services Law § 63.03)
Serious Mental Injury

Intentionally, knowingly, or recklessly causing or substantially contributing to serious mental injury of a child through any acts or failure to act or series of such acts or failures to act.

- Anxious
- Agitated
- Depressed
- Socially withdrawn
- In reasonable fear
- Inability to accomplish age-appropriate developmental/social tasks

DOES NOT NEED TO BE RECENT TO BE REQUIRED TO REPORT

(Child Protective Services Law § 63.03)

Sexual Abuse or Exploitation

Intentionally, knowingly, or recklessly causing sexual abuse or exploitation of a child through any act or failure to act.

- 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.
- Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of the individual.
- 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 the individual.
- Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

DOES NOT NEED TO BE RECENT TO BE REQUIRED TO REPORT

(Child Protective Services Law § 63.03)
Any of the following offenses committed against a child are reportable:

- Rape
- Statutory sexual assault
- Involuntary deviate sexual intercourse
- Sexual assault
- Institutional sexual assault
- Aggravated indecent assault
- Indecent assault
- Indecent exposure
- Incest
- Prostitution
- Sexual abuse
- Unlawful contact with a minor

DOES NOT NEED TO BE RECENT TO BE REQUIRED TO REPORT

Sexual Abuse or Exploitation

Statutory Sexual Assault:
Sexual intercourse with someone under the age of 16 when the other person is 4 or more years older

- 13 with a 17-year-old
- 14 with an 18-year-old
- 15 with a 19-year-old

DOES NOT NEED TO BE RECENT TO BE REQUIRED TO REPORT
Sexual abuse or exploitation 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 four years of the child’s age.

(Child Protective Services Law § 63.03)

1 in 4 girls will be sexually assaulted by the age of 18.

1 in 6 boys will be sexually assaulted by the age of 18.

(Finkelhor et al., 1990)
Individuals who sexually abuse children are most likely someone the child knows and trusts.

93% of the time, the child knows her/his abuser.

Likelihood of Bodily Injury

Intentionally, knowingly, or recklessly creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

The allegation must pertain to:
- Bodily Injury

RECENT = 2 YEARS

(Child Protective Services Law § 63.03)
Likelihood of Sexual Abuse or Exploitation

Intentionally, knowingly, or recklessly creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

The allegation **must pertain** to:
- Sexual Abuse or Exploitation

**RECENT = 2 YEARS**

(Special Protective Services Law § 63.03)

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Serious Physical Neglect

Serious physical neglect 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.

- Lack of appropriate supervision (can be a **single egregious event**)
- Failure to provide essentials of life (food, shelter, medical and dental care)

**DOES NOT NEED TO BE RECENT TO BE REQUIRED TO REPORT**

(Special Protective Services Law § 63.03)
Specific Recent Acts of Child Abuse

Child abuse also includes these specific acts:

- Kicking, biting or, throwing, burning, stabbing or cutting a child
- Unreasonably physically restraining or confining a child
- Forcefully shaking, slapping, or otherwise striking a child under age one
- Interfering with the breathing of a child
- Causing a child to be present where methamphetamine is being manufactured & police are investigating
- Leaving a child unsupervised with an individual required to register as a sexual offender, determined to be a sexually violent predator, determined to be a sexually violent delinquent child (other than the child’s parent)

**RECENT = 2 YEARS**

Death of a Child

Intentionally, knowingly, or recklessly causing the death of a child through any act or failure to act.

**DOES NOT NEED TO BE RECENT TO BE REQUIRED TO REPORT**
Reporting Child Abuse

PERSONS WHO ARE ENCOURAGED TO REPORT ABUSE:
Permissive Reporters

A report would be made by calling ChildLine toll free at 1-800-932-0313.

Reporting abuse gives hope to victims.

(Child Protective Services Law § 63.12)

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Reporting Child Abuse

PERSONS WHO ARE REQUIRED TO REPORT ABUSE:
MANDATED REPORTERS

A report would be made by calling ChildLine toll free at 1-800-932-0313

or submitting a report electronically via the Child Welfare Portal www.compass.state.pa.us/cwis

(Child Protective Services Law § 63.11)
Mandated Reporters in Pennsylvania

1. A person licensed or certified to practice in any health-related field.
2. A medical examiner, coroner or funeral director.
3. An employee of a health care facility or provider 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 independent contractor.
8. An emergency medical services provider.
9. 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.
10. An employee of a social services agency, who has direct contact with children in the course of employment.
11. A peace officer or law enforcement official.
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 mandated reporter who has direct contact with children in the course of employment.
14. Attorneys affiliated with an agency, organization or institution that is responsible for the care, supervision, guidance or control of children.
15. A foster parent

Mandated Reporting

1. A mandated reporter shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

a. The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through any regularly scheduled program, activity or service.
Mandated Reporting

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

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

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

(Child Protective Services Law § 63.11)

Mandated Reporting

First hand observation of abuse is NOT required.
Reporting Child Abuse/Neglect

Mandated Reporter ⇒ Child ⇒ Suspected Abuse

*Minimal Fact Interviewing

1. **What happened?**
2. **Who did it?**
3. **Where did it happen?**
4. **When did it happen?**
5. **Was anyone else there?**

Child Protective Services
(perpetrators)

Law Enforcement
(offenders)

ChildLine:
1-800-932-0313
www.compass.state.pa.us/cwis

**Call ChildLine: 1-800-932-0313**
OR report electronically:
www.compass.state.pa.us/cwis

Immediately thereafter notify the person in charge of the organization/designee (unless they are the suspected abuser)

Complete the written CY47 report and submit to the local agency within 48 hours* (unless reporting electronically via the Child Welfare Portal)

The mandated reporter/person in charge should also cooperate with an investigation

A written report shall include the following information if available:

1. The names and addresses of the child and parents/guardians
2. Where the alleged abuse occurred
3. The age/gender of the alleged victim
4. The nature and extent of the suspected abuse
5. The name and relationship of the abuser
6. Family composition
7. The source of the report
8. The person making the report and contact information
9. The actions taken by the reporting entity
10. Any other relevant information

* Any photographs, x-rays, or medical reports must be submitted also.

(Child Protective Services Law § 63.13)
IT IS THE DUTY AND THE OBLIGATION OF MANDATED REPORTERS TO REPORT SUSPECTED CHILD ABUSE.

The first step in helping abused or neglected children is learning to recognize the SIGNS of child abuse and neglect.
Signs and Symptoms of Abuse

Extreme and unexplainable changes in behavior.

• Withdrawn, detached
• Unusual, excessive fear and/or apprehension of a particular person
• Hypervigilance (high arousal/responsiveness to sensory stimuli)
• Changes in sleeping, frequent nightmares or difficulty falling asleep, and as a result may appear tired or fatigued
• Changes in school performance and attendance, difficulty concentrating in school or excessive absences

(Child Welfare Information Gateway, 2013)
General Behavioral Indicators of Abuse

Risk taking behaviors:
- Running away
- Fear of going home
- Truancy
- Substance use
- Discipline issues
- Self-harming behaviors
- Suicide thoughts or attempts
- Disordered eating
- Carrying a weapon

Indicators of Bodily Injury

- Unexplained bruises or welts on the body
- Unexplained burns on the body (i.e. cigarette burns, immersion burns)
- Unexplained bite marks in the body
- Repeated injuries over a period of time
- Multiple injuries in various stages of healing
- Neglected/untreated injuries
- Wearing extra layers of clothing or clothing that is inappropriate for the weather

(Child Welfare Information Gateway, 2013)
### Indicators of Sexual Abuse/Exploitation

- Sexually acting out
- Excessive masturbation
- Initiating sophisticated sexual behaviors/dress
- Resistance to remove clothing at appropriate times
- Regression in young children (i.e. thumb sucking, bedwetting, baby talk)
- Unexplained sleep problems (sweats, terrors, nightmares)
- Bladder or urinary tract infection
- Pain when going to the bathroom
- Difficulty swallowing
- Sexually transmitted infection or pregnancy

*(Child Welfare Information Gateway, 2013)*

### Indicators of Serious Physical Neglect

- Inadequate weight gain and physical growth over an extended period of time (failure to thrive)
- Delays in physical development
- Persistent hunger
- Lack of hygiene/personal care/severe body odor
- Consistently soiled clothing
- Consistent lack of supervision
- Untreated physical problems or medical conditions
- Deprivation of food, water, heat, shelter

*(Child Welfare Information Gateway, 2013)*
What About CONFIDENTIALITY?

ONLY confidential communications made to a member of the clergy and an attorney are protected.

What About PRIVILEGE?

Client is a danger to self
Client is a danger to others

The fact that a report has been made and the details of that report must be kept confidential.

Suspected Child Abuse
Mandated reporting situations
There are three possible results to a CPS investigation:

**Indicated** – A determination that substantial evidence of the alleged abuse exists based on available medical evidence, the CPS investigation or by an admission of the acts of abuse by the perpetrator/offender.

**Founded** – There has been a judicial adjudication based on the investigation that the child has been abused.

**Unfounded** – There is not enough evidence to rule the case as indicated or founded.
What Happens After a Report is Made?

Mandated reporters will receive notice within 3 days of the results of the report:

1. If the report was founded, indicated, or unfounded
2. What, if any, services were provided or arranged for by the county agency

(Child Protective Services Law § 63.68)

PROTECTIONS Under the Law

Good Faith Report =
• Immunity from liability
• Legal recourse for employment discrimination

Protection of the Identity of the Reporter

(Child Protective Services Law § 63.20)
IT IS THE DUTY AND THE OBLIGATION OF MANDATED REPORTERS TO REPORT SUSPECTED CHILD ABUSE.

RESOLVE ANY DOUBT IN FAVOR OF REPORTING.

(Child Protective Services Law § 63.19)

Why don’t children tell?

- Feelings of shame/ Low self-esteem
- Loss of trust
- Unaware that acts are inappropriate

Reporting abuse gives victims a voice.

- Threats
- Confusion
- Fear of not being believed
- Children are taught to trust and obey adults
Responding to Disclosure of Child Abuse

SSABER

- **Stay Calm**: I am happy to help you.
- **Support**: I am sorry this happened to you.
- **Affirm**: You did the right thing by telling me.
- **Believe**: It’s not your fault, I believe you.
- **Empower**: You have the right to be safe.
- **Report**: We need to tell others about this to make sure you are safe.

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Self Care for the Mandated Reporter

TAKE CARE OF YOU

• Seek support from staff or the local victim service agency
• Know your limitations
• Eat well
• Sleep well
• Remember you did the RIGHT thing

Thank you!

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814-455-9414
amyb@cvcerie.org
References


Child Protective Services Law (23 PA.C.S.)


Crimes Code (18 PA.C.S.)


Judicial Code (42 PA.C.S.)

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University of South Carolina School of Law, Children's Law Center; *Interviewing child victims of maltreatment including physical and sexual abuse,* 2010. Retrieved from http://hdl.handle.net/10827/8507

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