



# Children's Justice & Advocacy Report

To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

## Child Protection FAQs: Reporting Child Abuse in Pennsylvania



Reports of suspected child abuse are filed with ChildLine 24 hours per day, 7 days a week. Reports can be filed online at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis) or by calling 1-800-932-0313.

### Who is a mandated reporter?

Pennsylvania law outlines 16 categories of adults, who have a legal responsibility to report suspected child abuse.

Mandated Reporters make a report of suspected child abuse to ChildLine, which is a division of the Pennsylvania Department of Human Services (DHS) responsible for accepting child abuse reports 24 hours per day, 7 days a week.

### 1. A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State

- NOTE: The Department of State licenses professionals through the following health-related boards:*
- Chiropractic
  - Dentistry
  - Massage Therapy
  - Medicine
  - Nursing
  - Examiners of Nursing Home Administrators
  - Occupational Therapy
  - Optometry
  - Osteopathic Medicine
  - Pharmacy
  - Physical Therapy
  - Podiatry
  - Psychology
  - Speech-Language and Hearing Examiners
  - Social Workers, Marriage and Family Therapists and Professional Counselors

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. An employee of a child-care service who has direct contact with children in the course of employment

- NOTE: Child care services includes:*
- Child day-care centers
  - Group day-care homes
  - Family child-care homes
  - Foster homes
  - Adoptive parents
  - Boarding homes for children
  - Juvenile detention center services or programs for delinquent or dependent children
  - Mental health services for children
  - Services for children with intellectual disabilities
  - Early intervention services for children
  - Drug and alcohol services for children
  - Day-care services or programs that are offered by a school
  - Other child-care services that are provided by or subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or that are provided pursuant to a contract with the Department of Human Services or a county social services agency.

5. **A school employee**, which is a person employed by a school or a person providing a program, activity, or service sponsored by a school. Excluded from this definition are administrative or other support personnel who do not have direct contact with a children.

NOTE: The following fall within the definition of school:

- A facility providing elementary, secondary or postsecondary educational services. The term includes the following:
- Any school of a school district.
- An area vocational-technical school.
- A joint school.
- An intermediate unit.
- A charter school or regional charter school.
- A cyber charter school.
- A private school licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.
- A private school accredited by an accrediting association approved by the State Board of Education.
- A nonpublic school.
- An institution of higher learning
- A private school licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.
- The Hiram G. Andrews Center.
- A private residential rehabilitative institution as defined in section 914.1-A(c) of the Public School Code of 1949.

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 is a person responsible for the child's welfare or has direct contact with children.**

NOTE: A program, activity or service is defined in 23 Pa.C.S. § 6303) as any of the following in which children participate and which is sponsored by a school or a public or private organization:

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

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

NOTE: Direct contact with children is defined as "the care, supervision, guidance or control of children or routine interaction with children." Routine interaction is defined as "regular and repeated contact that is integral to a person's employment or volunteer responsibilities."

9. **A peace officer or law enforcement official**

NOTE: Pennsylvania's Crimes Code includes this definition of a peace officer: Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class."

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.**

12. **An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (13), who has direct contact with children in the course of employment.**

13. **An independent contractor.**

Note: Independent contractor is defined: "An 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."

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.**

*Note: A person affiliated with is defined: "A person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person."*

### **15. A 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 under Articles IX or X of the Act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.**

*Note: Adult family members is defined as "A person 18 years of age or older who has the responsibility to provide care or services to an individual with an intellectual disability or chronic psychiatric disability."*

## ***When does a mandated reporter have to file a report?***

Mandated reporters must file a report with ChildLine when they have "reasonable cause to suspect" that a child is a victim of child abuse" under **any** of the following 4 situations:

1. **Contact with the child** - The mandated reporter 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.
2. **Responsible for the child** - 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.

3. **Informed about an identifiable child** - The mandated reporter has been told about an identified child who is the victim of child abuse. The mandated reporter may learn about this identified child outside of the mandated reporter's official work place or volunteer agency. In other words the duty to report suspected child abuse is not limited to a person's official professional duties/workplace or where they volunteer; or
4. **A perpetrator makes a confession** - An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

## **Where and how does a mandated reporter file a report?**

All suspected child abuse and neglect reports are submitted to ChildLine, which is a division of the Pennsylvania Department of Human Services (DHS) responsible for accepting reports 24 hours per day, 7 days a week.

It is at ChildLine that specially trained workers determine, based on state law, if the report will be referred to a county children and youth agency for an investigation of possible child abuse or assessment of the child/family for General Protective Services (GPS). ChildLine is also responsible for immediately notifying law enforcement about a possible crime against a child.

Reports of suspected child abuse and neglect can be made online at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis) or by calling ChildLine at 1-800-932-0313.

When a mandated reporter files an oral report with ChildLine, the person is required to file a CY 47 reporting form, within 48 hours.. The

detailed information on the CY 47 will aid a county children and youth agency when they respond to the report. You can retrieve the CY 47 at

[http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/form/c\\_137044.pdf](http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/form/c_137044.pdf).

### **Does a mandated reporter notify ChildLine before or after telling their employer?**

A mandated reporter must “immediately” make a report with ChildLine when they suspect a child is a victim of child abuse.

This reflects a recent and critical change in PA law impacting mandated reporters within an institution.

PA law now requires that the mandated reporter, who has reasonable cause to suspect a child is a victim of child abuse, “shall immediately” notify ChildLine. **Only after the report is filed with ChildLine,** does the mandated reporter then “notify the person in charge of the institution, school, facility, or agency or the designated agent of the person in charge.”

It is possible to have a supervisor assist the mandated reporter in filing the report with ChildLine. The law does not bar such support as the mandated reporter makes the report. Instead the law requires that the mandated reporter immediately and directly make the report. The goal of the law is to ensure that there is no a delay in a report to ChildLine and that no person inside an institution interfere with the report being made.

Immediately has not been defined in state law and so the practical guidance often provided to mandated reporters is to have a report made to ChildLine within the same day.

### **Is the name of the mandated reporter protected?**

Yes, state law protects the identity of the mandated reporter. The identity of a person, who makes a report of suspected child abuse or cooperates with a child abuse investigation remains confidential except that the person’s identity can be shared with law enforcement investigating a crime against a child or a possible false report of child abuse. While the person’s identity may be revealed to law enforcement, they are expected to protect the identity treating the person as a confidential informant.

Protecting the identity of the person who reported child abuse or cooperated in an investigation is a duty that extends beyond the county children and youth agency and law enforcement. The law also stipulates that the person’s identity must be protected by the PA Department of Human Services as well as the institution or school where the mandated reporter works or volunteers.

### **Will the mandated reporter be told what happened after the report was made?**

Yes, the PA DHS must notify the mandated reporter about the results of the actions taken on behalf of the child. PA DHS must notify the mandated reporter, within 3 business days, after DHS learns the outcome of the investigation or actions taken by the county children and youth agency. The department must provide the mandated reporter with the following information:

- Whether the child abuse report was founded, indicated, or unfounded; and
- If any services were provided or arranged for to protect the child.

## How are mandated reporters trained about their duties?

Certain mandated reporters are required by state law to complete training in recognizing and reporting child abuse including:

1. A professional licensee identified by the Department of State as a mandated reporter (Act 31 of 2014);
2. Foster parents;
3. Current employees of a child care program (broadly defined) that is licensed by DHS or subject to registration requirements (Act 31 of 2014);
4. Caregivers in family child-care homes which are subject to licensure;
5. Adult family members responsible for the child’s welfare and providing services in a family living home, a community home for individuals with an intellectual disability or a host home; and
6. School employees and contractors (Act 126 of 2012)

To learn about training resources, including a free online training developed in partnership with the PA DHS, visit <http://www.keepkidssafe.pa.gov/training/index.htm>.

## What happens if a mandated reporter fails to make a report?

“Willfully” failing to report child abuse in PA by a mandated report is a criminal offense.

The criminal offense is graded as a third degree felony if a mandated reporter “willfully fails” to report suspected child abuse **and** the “child abuse constitutes a felony of the first degree or higher” **and** “the person or official has direct knowledge of the nature of the abuse.

Outside of the conditions listed in the paragraph above (note the multiple “ands”),

“willfully” failing to report suspected child abuse is a misdemeanor of the second degree.

A person who commits a second or subsequent offense faces increased penalties.

If the mandated reporter’s willful failure continues despite the fact that the person “knows or has reasonable cause to believe the child is being subjected to child abuse,” then the person commits a misdemeanor of the first degree unless the child abuse constitutes a felony of the first degree or higher then this failure to report is a felony of the third degree.

The statute of limitation is either the statute of limitation for the crime committed against the minor child or five years, whichever is greater.

Offense	Longest permitted Minimum confinement	Longest permitted Maximum confinement	Maximum Fine
Summary	90 days county jail	90 days county jail	\$300
Misdemeanor 3 <sup>rd</sup> degree	6 months	1 year	\$2,500
Misdemeanor 1 <sup>st</sup> degree	2.5 years	5 years	\$10,000
Misdemeanor 2 <sup>nd</sup> degree	1 year	2 years	\$5,000
Felony 3 <sup>rd</sup> degree	3.5 years	7 years	\$15,000