

PROTECTING PA'S CHILDREN: WHAT ADULT VOLUNTEERS WORKING WITH CHILDREN NEED TO KNOW



The Center for Children's Justice
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PUTTING THE CHILD BACK IN CHILD PROTECTION



THE CENTER FOR
Children's Justice

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Network of Victim Assistance

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Education
We offer personal safety educational programs to [children](#) and [teens](#), [parents](#) and [teachers](#), [older adults](#), and individuals with disabilities in schools,

Advocacy
NOVA is an advocate for victims and victims' rights. We provide [legal support](#) and [accompaniment](#) to all criminal justice proceedings. We speak in support of victims

Counseling
NOVA provides abs [free one-on-one s](#) [term counseling](#) to victims, their family significant others to identify and work t

PUTTING THE CHILD BACK IN CHILD PROTECTION

Shared Goal: *We all care about protecting children!*

Shared Reality: *We're all learning to protect children in improved YET new ways!*

Simple Message: *We'll keep learning together!*

This is intended to be a brief overview of the changes to the Child Protective Service Law. It is imperative that mandated reporters receive training and additional information and details on the highlighted changes. Please see the last slide for more information on resources and training.

PA = CHILD ABUSE STATISTICAL OUTLIER

**PA 2013 reports investigated =
8.6 per 1,000 children**



Nationally = 42.7 per 1,000 children



**CHILD ABUSE VICTIMS IN PA =
1.2 PER 1,000 CHILDREN**



Nationally = 9.1 per 1,000 children





CALL TO ACTION



APRIL 2011

1st tipping point comes with physician-informed research (e.g., abusive head trauma and the rates of hospital admission for medically diagnosed “child abuse”). Illustrated tangible disconnect between PA statistics on “child abuse” and on-the-ground experiences of children, physicians, and child welfare workforce.

Informed and mobilized by the Center for Children's Justice, 50 + organizations urge creation of an **“intentional time-limited and interdisciplinary Task Force on Child Protection and**

2ND TIPPING POINT ARRIVES IN NOVEMBER 2011.....

On November 5, 2011, former Penn State Assistant Football Coach Gerald Sandusky arrested and criminally charged with 40 counts of sexual crimes against young boys, following a three-year investigation.



TASK FORCE ON CHILD PROTECTION CREATED

Intent:

“Restore public confidence in the ability of the Commonwealth to protect the victims of child abuse”

Recommendation:

“Taken together, this body of testimony is both inspiring and highly informative. No one who listens to and considers it can doubt that dramatic change is required in the way our governmental institutions work to protect children in Pennsylvania.”

Bucks County District Attorney David Heckler, Chair of the Task Force

CHILD PROTECTION (CIVIL) LAW

- ✓ *Children and youth services initially conceived as a way to intervene, bring services to a family regardless of whether what happened to a child was considered a crime or would later be prosecuted.*
- ✓ *A social work response vs. law enforcement response was considered a way to provide a pathway to services (including helping the family so the child could safely stay in home).*
- ✓ *After a children and youth investigation a person could be called a perpetrator of child abuse, placed on a confidential registry to guard against the person working or volunteering directly with children. Placement on the registry for informing employers/volunteer agencies is distinct/different from any criminal process.*

2 PATHS POSSIBLE

Child Protective Services Law

- ✓ Children and Youth Services
- ✓ Evidence = substantial
- ✓ Not all child abuse reports trigger criminal charges or conviction
- ✓ + finding (known as substantiation) perpetrator placed on confidential child abuse registry

Criminal Law

- ✓ Law enforcement investigates (can be jointly with Children and Youth Services)
- ✓ Evidence = Beyond a reasonable doubt
- ✓ Not automatic that criminal charges filed or conviction secured

REPORTING DOESN'T MEAN CHILD LEAVES HOME

A call to ChildLine doesn't mean a child will be removed from the care of his/her family.

In fact, more PA children are receiving services in their own home. These services permit a child to

- safely remain at home,
- cultivate protective factors in a family,
- reduce childhood trauma caused by placement.

172K + PA children received in-home services in 2013.



17K + more PA kids, 11% since '09

IMPORTANT

A mandated reporter is required to report

SUSPECTED

child abuse to

CHILDLINE.

Who is a Mandated Reporter in PA?

Effective December 31, 2014, people in these positions are required to report child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State*
- A medical examiner, coroner or funeral director
- 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
- A school employee*
- An employee of a child care service, who has direct contact with children in the course of employment
- Clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization*
- 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 *
- An employee of a social services agency who has direct contact with children in the course of employment
- A peace officer or law enforcement official defined as Attorney General, DA, PA State Police and municipal police officer
- An emergency medical services provider certified by the Department of Health*
- An employee of a public library, who has direct contact with children in the course of employment*
- An individual supervised or managed by a person listed above who has direct contact with children in the course of their employment*
- An independent contractor who has direct contact with children*
- 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*
- A foster parent*

* New or Expanded

Definition drives
everything.....

DEFINING PERSON RESPONSIBLE FOR THE CHILD'S WELFARE

The language of "A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control" is retained.

Added is the following:

"The term includes any such person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization."

DEFINING 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
- A troop, club or similar organization

When Do Mandated Reporters Report?

A mandated reporter is required to make an **IMMEDIATE** 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 circumstances:

1. 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; **or**
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 or other entity that is directly responsible for the care, supervision, guidance or training of the child; **or**
3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse*; **or**
4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse*.

* New or Expanded

When Do Mandated Reporters Report?

A health care provider shall immediately report or cause a report to be made if the provider is involved in the delivery or care of a **child under one year of age** who is born and identifies as being affected by:

1. Illegal substance abuse by the child's mother
2. Withdrawal symptoms resulting from prenatal drug exposure
3. Fetal Alcohol Syndrome Disorder



DEFINITIONS

Changes to the Definitions of Child Abuse

1. **Bodily Injury** replaces Serious Physical Injury and substitutes *substantial pain* for severe pain.
2. **Serious Mental Injury** now includes an act or series of acts over a course of time that *substantially contributes* to- though does not necessarily directly cause- a psychological condition in a child.
3. **Sexual Abuse or Exploitation** now includes *statutory sexual assault* and *institutional sexual assault*, as well the following: looking at the sexual/intimate parts of a child for the purpose of arousing or gratifying sexual; participating in sexually explicit conversation (in person, by telephone, by electronic device) for the purpose of sexual stimulation or gratification; actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification; actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.
4. **Serious Physical Neglect** was expanded to include *egregious behavior* that may only occur one time, but endangers a child's life or health, well-being or development.
5. **Student Abuse** has been eliminated as a separate and distinct definition of abuse and is now to be reported to ChildLine as with all other definitions of abuse.

DEFINITIONS

Additions to the Definitions of Child Abuse

5. **Per se Child Abuse** was added as a type of child abuse that “in and of itself” identifies culpable conduct that is in and of itself child abuse regardless of whether an injury results. Conduct includes:

- Kicking, biting , throwing, burning, stabbing or cutting a child in a manner that endangers the child
- Unreasonably physically restraining or confining a child based on consideration of the method, location or the duration of the restraint or confinement
- Forcefully shaking, slapping or otherwise striking a child under one year of age
- Interfering with the breathing of a child
- Causing a child to be present where methamphetamine is being manufactured & police investigating
- Leaving a child unsupervised with a sex offender, etc...
“other than the child’s parent” AND “knows or should have reasonably known”

6. **Fabricating, feigning or intentionally exaggerating or inducing** a medical symptom or disease which results in a potentially harmful medical evaluation or treatment of he child through any recent act.

7. Causing the **death of the child** through any act or failure to act.

DEFINITIONS

DEFINITION OF A 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.***
- (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.***

***new December 31, 2014**

Why do I need to know this? Suspected child abuse cases with a perpetrator are investigated by Child Protective Services. Suspected child abuse cases with someone other than a perpetrator are investigated by Law Enforcement.



A mandated reporter is required to report SUSPECTED child abuse to CHILDLINE.

Regardless of whether someone:

- is family or non-family member;
- is a teacher, coach, or other school employee
- etc...

ChildLine 1-800-932-0313 • Child Welfare Portal
www.compass.state.pa.us/cwis



THE REPORTING PROCESS FOR THE MANDATED REPORTER

MANDATED REPORTERS ARE TO REPORT TO CHILDLINE
NOT IN & UP WITHIN THEIR INSTITUTION

Mandated reporters within an institution (e.g., school, public or private institution, medical facility) **SHALL “report immediately”** to ChildLine **and then** “thereafter notify the person in charge of the institution, school.....”

NOTE: There still is no requirement that the child “come before the mandated reporter in order for the mandated report to make a report of suspected child abuse.”



THE REPORTING PROCESS FOR THE MANDATED REPORTER

PERSONS WHO ARE REQUIRED TO REPORT ABUSE: MANDATED REPORTERS

A report would be made by:

1. Calling ChildLine at 1-800-932-0313 and completing a CY-47 form and faxing to county CYS

http://www.dhs.state.pa.us/cs/groups/webcontent/documents/form/c_137044.pdf

or

REPORT OF SUSPECTED CHILD ABUSE (CHILD PROTECTIVE SERVICE LAW - TITLE 23 PA CSA CHAPTER 63)			
PLEASE REFER TO INSTRUCTIONS ON REVERSE SIDE. EXCEPT FOR SIGNATURE, PLEASE PRINT OR TYPE			
1. NAME OF CHILD (Last, First, Initial)		SSN	BIRTHDATE
ADDRESS (State, City, State & ZIP Code)		SEX <input type="checkbox"/> M <input type="checkbox"/> F	
1A. PRESENT LOCATION IF DIFFERENT THAN ABOVE		COUNTY	
2. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Initial)		SSN	BIRTHDATE
ADDRESS (City, State & ZIP Code)		TELEPHONE NO.	
3. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Initial)		SSN	BIRTHDATE
ADDRESS (City, State & ZIP Code)		TELEPHONE NO.	
4. OTHER PERSON RESPONSIBLE FOR CHILD		SSN	BIRTHDATE
ADDRESS (City, State & ZIP Code)		RELATIONSHIP TO CHILD	SEX <input type="checkbox"/> M <input type="checkbox"/> F
5. ALLEGED PERPETRATOR (Last, First, Initial)		SSN	BIRTHDATE
ADDRESS (City, State & ZIP Code)		RELATIONSHIP TO CHILD	SEX <input type="checkbox"/> M <input type="checkbox"/> F
NAME OF ALLEGED PERPETRATOR'S EMPLOYER AND EMPLOYER'S ADDRESS			
6. FAMILY HOUSEHOLD COMPOSITION (excluding Above names)			
NAME (Last, First, Initial)		RELATIONSHIP TO CHILD	NAME (Last, First, Initial)
A.			D.
B.			E.
C.			F.
ADDRESS WHERE THE SUSPECTED ABUSE OCCURRED			COUNTY
DESCRIBE THE NATURE AND EXTENT OF THE SUSPECTED CHILD ABUSE, INCLUDING ANY EVIDENCE OF PRIOR ABUSE TO THE CHILD OR ANY SIBLINGS OF THE CHILD ALSO INCLUDE ANY EVIDENCE OF PRIOR ABUSE BY THE ALLEGED PERPETRATOR(S) TO OTHER CHILDREN. PLEASE INDICATE EXACT LOCATION OF THE INJURY(S) ON MODEL BELOW.			DATE OF INCIDENT

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http://www.dhs.state.pa.us/cs/groups/webcontent/documents/form/c_137044.pdf

or

2. Submitting a report electronically via the Child Welfare Portal*

www.compass.state.pa.us/cwis

STRENGTHENING RESPONSIBILITIES AND IMPROVING THE PROCESS

INCREASED PENALTIES FOR MANDATED REPORTERS WHO "WILLFULLY" FAIL TO REPORT

Under the CPSL, a mandated reporter who willfully fails to report suspected child abuse is committing a crime that may range from a **felony of third degree to a misdemeanor of the second degree**.

INCREASED PROTECTIONS FOR MANDATED REPORTERS

In addition to continued immunity from civil and criminal liability, there are increased protections for reporters against intimidation, retaliation or obstruction in child abuse cases.

INFORMING THE MANDATED REPORTER

DPW will have 3 days (from date it receives the "results" of the report) to circle back to the mandated reporter to inform as to:

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

Background Checks

Effective December 31, 2014

**Employees, volunteers and foster care parents
who are responsible for the welfare of a child**

or

have direct contact with children

(the care, supervision, guidance or control of children, or routine interaction with children)

are required to submit the FBI*, State Police and
Department of Public Welfare Child Abuse Clearances



Background Checks

More individuals, including volunteers, having direct contact with children require comprehensive and regularly updated (every 36 months) background checks. Generally applicable to adults only, but see #6.

1. Employees having contact with children; adoptive and foster parents with 6344 (A) applicable to the following individuals:
2. Employee of child care services
3. Foster parent
4. Prospective adoptive parent
5. Self-Employed family day care provider
6. **Person 14 years of age or older applying for a paid position as an employee responsible for the welfare of a child or having direct contact with children**
7. Individual seeking to provide child care services under contract with a child care facility or program
8. Individual 18 years of age or older residing with a foster parent or prospective adoptive parent for at least 30 days in a calendar year
9. School employees (those governed by the Public School Code and those outside of that Code)

Clearances

Applicable to any adult applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children.

Direct contact with children" is defined as "The care, supervision, guidance or control of children or routine interaction with children."

These background checks are required of EVERY volunteer:

PA State Police Criminal History (\$10)

Child Abuse Clearance through Department of Human Services (\$10).

A 3rd check (FBI clearance w/fingerprinting – approximately \$28) required if volunteer has been a "resident" in another state anytime over the last 10 years. Volunteer has to "swear or affirm" that they are not disqualified due to a conviction or placement on a child abuse registry in another state.

Required Training

The new law requires certain mandated reporters to receive initial and ongoing training on child abuse and reporting requirements:

- All persons applying or renewing for a license or certification issue by the PA licensing board
- Operators and employees who have direct contact with children of institutions, facilities or agencies which care for children and are subject to supervision or licensure by the Department of Public Welfare
- Foster Parents
- Caregivers and employees who have direct contact with children of family day care homes which are registered by the Department of Public Welfare

NO CURRENT REQUIRED TRAINING FOR VOLUNTEERS. HOWEVER... BEST PRACTICE SHOWS TRAINING INFORMS AND PREPARES MANDATED REPORTERS TO BEST PROTECT CHILDREN.

FOR MORE INFORMATION:
<http://keepkidssafe.pa.gov/>

Trainings approved to meet ACT 31 of 2014:

Network of Victim Assistance
215-343-6543
www.novabucks.org
mandy@novabucks.org

PA Child Welfare Resource Center
online training: www.reportabusepa.pitt.edu

Family Support Alliance
(717) 238-0937
<http://www.pa-fsa.org/>

**A complete list of approved training
providers is available at:**
<http://keepkidssafe.pa.gov/>

THANK YOU!

*Nurture
Protect
Listen to
Speak up
#4PAKids*