



Mandated Reporting of Suspected Child Abuse

Knowing Your Role in the Protection of Children





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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.**

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.

ASPCA formed in 1866

1912

1958


1962

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

Pennsylvania History of Child Protective Services

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.

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

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 Agencies

Child Protective Services (CPS)

- Investigates allegations of **child abuse**.
- Conducts a **safety assessment** and creates a **safety plan**.

General Protective Services (GPS)

- Services and support provided for **non-abuse cases** requiring protective services.
- Helps caregivers to **reduce the risk** of behaviors becoming abuse.
- Creates a **safety plan** if needed.

Definitions under CPSL

A Child

An individual
under the age of
18.

Definitions under CPSL

A Child

An individual
under the age of
18.

A Perpetrator

A person who has committed child
abuse.

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.

Definitions under CPSL

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

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

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

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**

Sexual Abuse or Exploitation

The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes but is not limited to:

- **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.
- **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 or nudity** 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

Sexual Abuse or Exploitation

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

- 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
- Sexual exploitation
 - Exposing children to adult sexual activity
 - Exposing the child to adult movies
 - Photographs
 - Sexualized talk
 - Having the child pose, undress, or perform in sexual nature

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

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

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.



1. A repeated, prolonged or unconscionable **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.

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

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



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

Reporting abuse gives hope to victims.

Reporting Child Abuse

**PERSONS WHO ARE REQUIRED
TO REPORT ABUSE:
*MANDATED REPORTERS***

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 Reporters

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

- 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
- 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
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse; or
- An individual 14 years of age or older makes as specific disclosure to the mandated reporter that the individual has committed child abuse.

Mandated Reporting

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

Reporting Child Abuse: Making the Report

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.

Reporting Child Abuse/Neglect

Mandated Reporter ⇒ Child ⇒ Suspected Abuse

***Minimal Fact Interviewing**

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

Child Protective Services
(perpetrators)

Law Enforcement
(offenders)

Signs and Symptoms of Abuse

Extreme and unexplainable changes in behavior.



General Behavioral Indicators of Abuse

- 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

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

Indicators of Sexual Abuse/Exploitation

- Physical injury to the genitals.
- Suspicious stains, blood, or semen on underwear, clothing, or the body.
- Resistance to remove clothing at appropriate times.
- Bladder or urinary tract infection.
- Pain when going to the bathroom.
- Difficulty swallowing.
- Exhibiting signs of a sexually transmitted diseases or infection.
- Unexplained sleep problems (sweats, terrors, nightmares).

Indicators of Sexual Abuse/Exploitation

- Age inappropriate sexual knowledge and unusual/abnormal sexual behavior
- Early, unexplained pregnancy;
- Sexually acting out;
- Initiating sophisticated sexual behaviors/dress;
- Excessive masturbation;
- Enticing other children into age inappropriate sexualized play;
- Creating and playing out sexual scenarios with toys or dolls;
- Regressive behavior (i.e.: thumb sucking, baby talk).

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

What About CONFIDENTIALITY?

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



What Happens After a Report is Made?

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

PROTECTIONS Under the Law



Good Faith Report =

- Immunity from liability
- Legal recourse for employment discrimination

Protection of the Identity of the Reporter

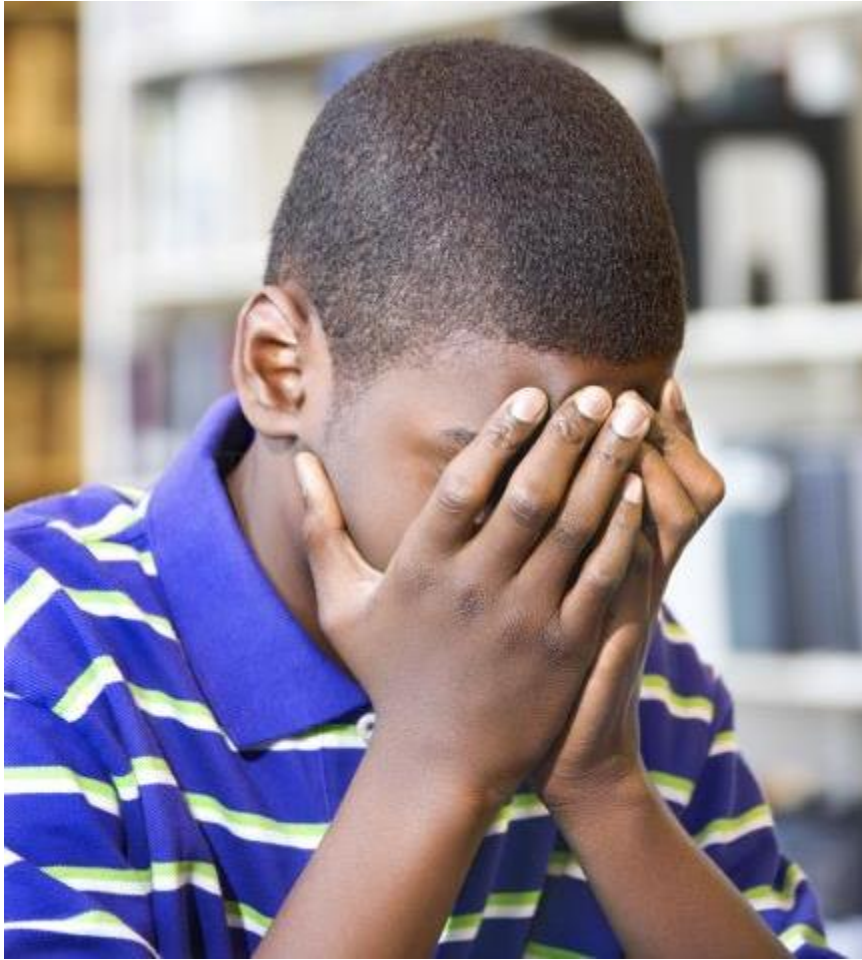
PENALTIES for Failure to Report

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.**

RESOLVE ANY DOUBT
IN FAVOR OF REPORTING.

IT IS THE DUTY AND THE OBLIGATION OF
MANDATED REPORTERS
TO REPORT SUSPECTED CHILD ABUSE.

Why don't children tell?



- Feelings of shame/ Low self- esteem
- Loss of trust
- Unaware that acts are inappropriate
- Fear of breaking up the family
- Isolation
- 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.

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

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