

## Instructions for Mail Order

Once you've finished studying the course material:

1. Record your test answers on the answer sheet.
2. Complete the course evaluation.
3. Complete your registration and payment\*.

## Mail the completed forms with your payment to:

ATrain Education, Inc

5171 Ridgewood Rd

Willits, CA 95490

\*Check or money order payable to ATrain Education, Inc (or enter your credit card information on the registration form).

When we receive your order, we will grade your test, process your payment, and email a copy of your certificate to the email address you provide.

If you would like a fancy copy of your certificate (suitable for framing), please add \$8.50 to your payment.

Questions? Call 707 459-3475 (Pacific Time) or email (Sharon@ATrainCeU.com).

**[Continue to next page to start course]**

# Child Abuse Recognition and Reporting in Pennsylvania, 2 units (317)

**Author:** Lauren Roberson, BA, MPT; Susan Walters Schmid, PhD

**Contact hours:** 2

**Cost:** \$29

## Target Audience

Mandated reporters, persons encouraged to report suspected child abuse including individuals seeking or renewing licensure in Pennsylvania, school staff, school contractors, school volunteers, healthcare professionals, and mental health professionals.

## Course Overview

This online course is for healthcare providers and other professionals in Pennsylvania renewing licensure in Pennsylvania. Child abuse is defined, along with its components and categories. New regulations related to human trafficking are included. The reporting process is described, as well as responsibilities of mandated and persons encouraged to report suspected child abuse, reasonable cause, and penalties for failing to report. The course describes indicators of child abuse. It concludes with information about the prevention of child abuse.

## Course Objectives

When you finish this course, you will be able to:

1. Relate the 3 key components of child abuse recognized under Pennsylvania Child Protective Services Law for children and parents to ensure a child's well-being.
2. Understand that nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to identify the type of abuse they are reporting when making a report of suspected child abuse.
3. Understand that nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to consider the exclusions from child abuse in order to make a report of suspected child abuse.
4. Understand the four circumstances that require a mandated reporter to immediately report suspected child abuse if they have reasonable cause to suspect a child is a victim of child abuse.
5. Define reasonable cause as it relates to the reporting of child abuse.
6. Understand that nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) requires a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.
7. Understand that nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) requires the mandated reporter to identify the person responsible for the child abuse in order to make a report of suspected child abuse.
8. Describe the concept of "good faith" when making a report of child abuse.

# 1. Child Welfare in Pennsylvania

Child abuse is recognized as a problem of epidemic proportions, with serious consequences throughout the victim's lifetime. Violent or negligent parents and caretakers serve as a model for children as they grow up. The child victims of today, without protection and treatment, may become the child abusers of tomorrow.

## 1.1 Brief History

Child abuse and neglect is not a new phenomenon. For most of human history children had no rights in the eyes of the law and it was unthinkable that the law would intervene in the domain of the family.

In the 1950s and early 1960s, several pediatricians published articles that began to draw attention to the occurrence of fractures and brain injuries in children at the hands of caretakers. In 1961, C. Henry Kempe, a physician and president of the *American Academy of Pediatrics*, convened a conference on "the battered child syndrome," in which he argued that doctors had a "duty" to the child to prevent "repetition of trauma." The *Battered Child Syndrome Conference* resulted in laws intended to protect children from physical abuse. By 1967, all 50 states had passed mandatory child abuse reporting laws.

In 2011, the Pennsylvania General Assembly created the *Task Force on Child Protection*, which conducted a comprehensive review of the laws and procedures relating to the reporting of child abuse and the protection of the health and safety of children. More than 20 pieces of legislation were enacted by the Pennsylvania General Assembly as a result.

The new laws took effect on December 31, 2014, which affected aspects of child abuse and neglect cases, including reports, investigations, assessments, prosecutions, and related judicial proceedings. Definitions for perpetrator and mandatory reporter were updated and expanded, a streamlined reporting process was implemented, and rules for mandatory reporting were clarified. The most fundamental and substantive changes in the new laws were revisions to the definition of child abuse and clarification of reporting requirements.

The *Child Welfare Information Solution (CWIS)*, a case management database, was launched in 2015, allowing real-time electronic sharing of state and county information critical to administering the child welfare program. CWIS sped up the processes for both reporting child abuse and obtaining clearance verifications by those who work with children. *ChildLine* is the portal for new reports of suspected child abuse by mandated reporters.

## 1.2 Data / Statistics

The recognition of child abuse in its multiple forms—physical, sexual, emotional abuse, and neglect—continues to be a considerable social and public health problem throughout the world. While every state, the District of Columbia, and the U.S. Territories mandate reporting by certain individuals, and most require training for those reporters, underreporting of suspected child abuse is an ongoing problem.

Underreporting is often related to confusion, uncertainty, lack of knowledge about the signs of mistreatment, or the belief that the family can fix the problem on its own. A mandated reporter may genuinely feel that intervention will negatively affect the family and the child.

When the suspected abuser is someone trusted or respected in the community, a reporter may fear not being believed. If the reporter is a friend or acquaintance of the suspected abuser, the reporter may not want to cause trouble for their friend. Unfortunately, an abuser may threaten the mandated reporter, or the reporter may be concerned that a report may cause the abuser to harm the child.

Protecting the child's safety and concern for a child's emotional or mental health are primary reasons for filing a report of child abuse. Legal obligation is another reason to report suspected child abuse.

In 2022, the *Administration for Children and Families (ACF)* reported that more than 3 million children in the United States received either an investigation response or alternative response. An estimated 560,000 were determined to be victims of child abuse and neglect (DHHS, 2024).

The ACF report indicated that three-quarters of child victims experienced neglect, 17% were physically abused, more than 10% were sexually abused, nearly 7% were psychologically maltreated, and 0.2% were sex trafficked. American Indian/Alaska Native children have the highest rate of child victimization while Black children have the second highest rate (DHHS, 2024).

Nationally in 2022, 1,990 children died from abuse and neglect. Child fatality rates are highest among Black/African American populations, followed by American Indian/Alaska Natives, and Native Hawaiian/Pacific Islanders (DHHS, 2024).

That said, any amount of child abuse and neglect is too much. It is believed that the numbers likely underestimate how many children are affected by maltreatment because many cases go unreported or undetected. Physical and emotional scars can last a lifetime and are linked to higher rates of alcoholism, drug abuse, depression, smoking, multiple sexual partners, suicide, and chronic disease.

## 2. The Pennsylvania Child Protective Services Law (CPSL)

The Pennsylvania Child Protective Services Law (CPSL) (23 Pa.C.S. Chapter 63, Child Protective Services) was established in 1975 to protect children from abuse, allow the opportunity for healthy growth and development, and preserve and stabilize the family whenever possible. The PA CPSL does not restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children.

### 2.1 General Purpose

CPSL establishes protective services in each county for the purpose of (PA Code, 2024, March 30):

1. Protecting abused children from further abuse.
2. Preserving and stabilizing families.
3. Implementing the CPSL.
4. Involving law enforcement agencies in responding to child abuse.
5. Prioritizing the response and services to children most at risk.
6. Encouraging more complete reporting of suspected child abuse.

### 2.2 Recent Amendments

Recent amendments relevant to child abuse recognition and reporting in Pennsylvania include:

- Act 115 of 2016 (relating to human trafficking)
- Act 54 of 2018 (relating to notification of substance-exposed infants by healthcare providers & plan of safe care)
- Act 88 of 2019 (relating to penalties for failure to report or refer)

### 2.3 Pennsylvania Child Welfare System

The Pennsylvania child welfare system is state-supervised and county-administered. County children- and-youth agencies (CCYAs) have two main functions:

1. **Child Protective Services (CPS)**—services and activities provided by DHS and each county agency for child abuse cases.
2. **General Protective Services (GPS)**—services and activities provided by each county agency for cases requiring protective services as defined by DHS in regulations

## 2.3.1 Child Protective Services (CPS)

Cases identified as “CPS” require an investigation because the alleged act or failure to act meets PA CPSL’s definition of child abuse. The PA CPSL recognizes 10 separate categories of child abuse.

Examples of CPS cases include:

1. Causing bodily injury to a child through any recent act or failure to act.
2. Causing sexual abuse or exploitation of a child through any act or failure to act.
3. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
4. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
5. 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.
6. 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.
7. Causing serious physical neglect of a child.
8. Engaging in a specific recent “per se” act\*.
9. Causing the death of the child through any act or failure to act.
10. Engaging a child in a severe form of trafficking in persons or sex trafficking.

**\*Per se act:** a certain act in which the act itself constitutes abuse without any resulting injury or condition.

## 2.3.2 General Protective Services (GPS)

General Protective Services (GPS) are services and activities provided by each county agency for cases requiring protective services, as defined by DHS in regulations.

- Cases identified as “GPS” require an assessment for services and supports.
- In these cases, the alleged act or failure to act may not meet the definition of child abuse but is still detrimental to a child.
- The primary purpose of GPS is to protect the rights and welfare of children so that they have an opportunity for healthy growth and development.

**Examples of GPS Cases**—services to prevent the potential for harm to a child who meets one of the following conditions:

- Is without parental care or control, subsistence, education as required by law, or other care or control necessary for their physical, mental, or emotional health or morals.
- Has been placed for care or adoption in violation of law.
- Has been abandoned by their parents, guardian, or other custodian.
- Is without a parent, guardian, or legal custodian.
- Is habitually and without justification truant from school while subject to compulsory school attendance.
- Is under 10 years of age and has committed a delinquent act.
- Has committed a specific act of habitual disobedience of the reasonable and lawful commands of their parent, guardian, or other custodian and who is ungovernable and found to be in need of care, treatment, or supervision.
- Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication) and is under the jurisdiction of the court, subject to its conditions or placements, and who commits an act which is defined as ungovernable.
- Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment) and who commits an act which is defined as ungovernable.

## 3. Mandatory Notification of Substance Affected Infants by Health Care Providers & Plan of Safe Care (Act 54 of 2018)

Act 54 of 2018, consistent with the federal *Child Abuse Prevention and Treatment Act (CAPTA)*, requires healthcare professionals—including those involved in the delivery or care of an infant or encountering an infant up to age one outside a hospital setting—to notify CPS of infants “born with and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure”.

### 3.1 Mandatory Notification of Substance Affected Infants by Health Care Providers

Under Act 54 of 2018, a healthcare provider shall immediately give notice or cause notice to be given to DHS if the provider is involved in the delivery or care of a child under one year of age and the healthcare provider has determined, based on standards of professional practice, the child was born affected by:

- substance use or withdrawal symptoms resulting from prenatal drug exposure; or
- a Fetal Alcohol Spectrum Disorder.

Notification to DHS can be made to ChildLine, electronically through the Child Welfare Portal or by calling 1-800-932-0313. This notification is for the purpose of assessing a child and the child's family for a *Plan of Safe Care* and shall not constitute a child abuse report.

#### 3.1.1 Healthcare Provider

A healthcare provider is a licensed hospital or health care facility or person who is licensed, certified, or otherwise regulated to provide health care services under the laws of Pennsylvania, including a:

- physician
- podiatrist
- optometrist
- psychologist
- physical therapist
- certified nurse practitioner
- registered nurse
- nurse midwife
- physician's assistant
- chiropractor
- dentist
- pharmacist; or
- an individual accredited or certified to provide behavioral health services

### 3.1.2 Multidisciplinary Team

For the purpose of informing the *Plan of Safe Care*, the multidisciplinary team may include:

- Public health agencies
- Maternal and child health agencies
- Home visitation programs
- Substance use disorder prevention and treatment providers
- Mental health providers
- Public and private children and youth agencies
- Early intervention and developmental services
- Courts
- Local education agencies
- Managed care organizations and private insurers
- Hospitals and medical providers

### 3.2 Plan of Safe Care (Act 54 of 2018)

After notification of a child born affected by substance use or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder, a multidisciplinary team meeting must be held prior to the child's discharge from the health care facility. The meeting will inform an assessment of the needs of the child and the child's parents and immediate caregivers to determine the most appropriate lead agency for developing, implementing, and monitoring a *Plan of Safe Care*.

The child's parents and immediate caregivers must be engaged to identify the need for access to treatment for any substance use disorder or other physical or behavioral health condition that may impact the safety, early childhood development, and well-being of the child. Depending upon the needs of the child and parent(s)/caregiver(s), ongoing involvement of the county agency may not be required.

## 4. Recognizing Child Abuse

### 4.1 Key Components of Child Abuse (23 Pa.C.S. § 6303)

- **Child:** An individual under 18 years of age
- **Recent act; Act or failure to act; Recent act or failure to act; Series of Acts or Failures to act**
  - Act: Something that is done to harm or cause potential harm to a child
  - Failure to act: Something that is NOT done to prevent harm or potential harm to a child
  - Recent act: Any act committed within two years of the date of the report to DHS or county agency
  - Recent act or failure to act: Any act or failure to act committed within two (2) years of the date of the report to DHS or county agency
- **Intentionally, Knowingly, or Recklessly**
  - Intentionally: Done with the direct purpose of causing the type of harm that resulted
  - Knowingly: Awareness that harm is practically certain to result
  - Recklessly: Conscious disregard of substantial and unjustifiable risk

## 4.2 Perpetrator (23 Pa.C.S. § 6303)

A perpetrator is an individual who has committed child abuse as defined under section 6303(b.1) of the PA CPSL (relating to definitions). The term includes only the following:

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person 14 years of age or older who is responsible for the child's welfare or has direct contact with children as an employee of childcare services, a school, or through a program, activity, or service
- An individual 14 years of age or older who resides in the same home as the child
- 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
- An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

**Note:** Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to identify the person responsible for the child abuse in order to make a report of suspected child abuse.

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

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person 18 years of age or older who is responsible for the child's welfare
- A person 18 years of age or older who resides in the same home as the child

## 4.3 Categories & Indicators of Child Abuse (23 Pa.C.S. § 6303)

An indicator is an alert or warning that more attention must be given to a situation. Indicators of abuse can be obvious: for example, a child with the mark of a belt showing on his or her back or burns in the shape of an iron or cigarette tip gives clear support for reasonable cause to suspect child abuse. Often suspicion may rest on less obvious physical or behavioral indicators.

### 4.3.1 Child Abuse

**Child abuse:** Intentionally, knowingly, or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent act or failure to act.
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.
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.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Causing the death of the child through any act or failure to act.

9. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000.
10. Engaging in any of the following recent “per se” acts:
  - a. Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child
  - b. Unreasonably restraining or confining a child based on consideration of the method, location, or the duration of the restraint or confinement
  - c. Forcefully shaking a child under one year of age
  - d. Forcefully slapping or otherwise striking a child under one year of age
  - e. Interfering with the breathing of a child
  - f. 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 the violation is being investigated by law enforcement
  - g. Leaving a child unsupervised with an individual, other than the child’s parent, who the actor knows or reasonably should have known:
    - i. 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
    - ii. Has been determined to be a sexually violent predator under 42 Pa.C.S. §9799.24 (relating to assessments) or any of its predecessors
    - iii. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. §9799.12 (relating to definitions)
    - iv. Has been determined to be a sexually violent predator under 42 Pa.C.S. §9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. §9799.55(b) (relating to registration)

### 4.3.2 Bodily Injury

**General rule**—the following words and phrases, when used in the PA CPSL, shall have the meanings given to them in this section unless the context clearly indicates otherwise.

Bodily injury is the impairment of physical condition or substantial pain.

- **Impairment:** If, due to the injury, the child’s ability to function is reduced temporarily or permanently in any way
- **Substantial pain:** If the child experiences what a reasonable person believes to be substantial pain

Indicators of bodily injury include unexplained injuries, unbelievable or inconsistent explanations of injuries or injuries that are inconsistent with a child’s age/developmental level. Indicators can include:

- Fear of going home
- Fear of parent or caregiver
- Extreme apprehensiveness/vigilance
- Pronounced aggression or passivity
- Flinches easily or avoids being touched
- Play includes abusive talk or behavior
- Unexplained injuries
- Unbelievable or inconsistent explanations of injuries
- Injuries inconsistent with a child’s age/developmental level
- Unable to recall how injuries occurred, or account of injuries is inconsistent with the nature of the injuries
- Multiple bruises in various stages of healing
- Bruises located on face, ears, neck, buttocks, back, chest, thighs, back of legs, and genitalia
- Bruises that resemble objects such as a hand, fist, belt buckle, or rope

- Burns

### 4.3.3 Serious Mental Injury

Emotional abuse and emotional neglect are among the most prevalent of childhood maltreatment types and associated with a range of poor mental health outcomes (Kumari, 2020). A large body of evidence has demonstrated that exposure to childhood maltreatment at any stage of development can have long-lasting consequences (Lippard and Nemeroff, 2020).

Serious mental injury is a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that (CWIG, 2022, May):

- 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
- Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Indicator of serious mental injury can include:

- Expressing feelings of inadequacy
- Fearful of trying new things
- Overly compliant
- Poor peer relationships
- Excessive dependence on adults
- Habit disorders (sucking, rocking, etc.)
- Eating disorders
- Frequent psychosomatic complaints (nausea, stomachache, headache, etc.)
- Bed-wetting
- Self-harm
- Speech disorders

### 4.3.4 Serious Physical Neglect

Physical neglect is an act of abuse. Neglect accounts for nearly 75% of confirmed cases of child maltreatment in the United States—far more than physical or sexual abuse (USDHHS, 2024).

Identifying serious physical neglect in children can be more difficult than identifying other forms of abuse because neglect usually involves the absence of a certain behavior, rather than the presence. A thorough investigation of the child's safety and risk, followed by a comprehensive family assessment can help determine what kinds of services and supports the family may need.

Serious physical neglect is 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:

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

Indicators of serious physical neglect can include:

- Not registered in school
- Inadequate or inappropriate supervision
- Poor impulse control
- Frequently fatigued
- Parentified behaviors
- Lack of adequate medical and dental care

- Often hungry
- Lack of shelter
- Weight is significantly lower than normal for age and gender
- Developmental delays
- Persistent (untreated) conditions (e.g., head lice, diaper rash)
- Exposure to hazards (e.g., illegal drugs, rodent/insect infestation, mold)
- Clothing that is dirty, inappropriate for the weather, too small, or too large

### 4.3.5 Sexual Abuse or Exploitation

According to *National Children's Alliance* data collected by forensic interviews conducted at accredited *Child Advocacy Centers* in 2020, over 91% of alleged offenders that children disclosed abuse from, were individuals that those children already knew. Those offenders included parents, stepparents, other relatives such as uncles, caregivers' significant others, and other known people in their lives (First Witness Child Advocacy Center, 2024).

Victims are often threatened with negative consequences to keep them silent. Certain factors contribute to their silence, including secrecy, helplessness, entrapment, accommodation, and the fear of not being taken seriously when revealing abuse.

Sexual abuse or exploitation is 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, the following:

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

This 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.

Sexual abuse or exploitation also includes any of the following when committed against a child:

- Rape as defined in 18 Pa.C.S. §3121
- Statutory sexual assault as defined in 18 Pa.C.S. §3122.1
- Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. §3123
- Sexual assault as defined in 18 Pa.C.S. §3124.1
- Institutional sexual assault as defined in 18 Pa.C.S. §3124.2
- Aggravated indecent assault as defined in 18 Pa.C.S. §3125
- Indecent assault as defined in 18 Pa.C.S. §3126
- Indecent exposure as defined in 18 Pa.C.S. §3127
- Incest as defined in 18 Pa.C.S. §4302
- Prostitution as defined in 18 Pa.C.S. §5902
- Sexual abuse as defined in 18 Pa.C.S. §6312
- Unlawful contact with a minor as defined in 18 Pa.C.S. §6318
- Sexual exploitation of children as defined in 18 Pa.C.S. §6320

**Indicators** of sexual abuse or exploitation can include:

- Sexually promiscuous behaviors
- Cruelty to others
- Cruelty to animals

- Fire setting
- Anxious
- Withdrawn
- Sleep disturbances
- Bedwetting
- Pain or irritation in genital/anal area
- Difficulty walking or sitting
- Difficultly urinating
- Excessive or injurious masturbation
- Pregnancy
- Positive testing for sexually transmitted disease(s) (e.g., HIV)
- Developmental age-inappropriate sexual play and/or drawings

### 4.3.6 Severe Forms of Trafficking in Persons (Act 115 of 2016)

The scale of human trafficking is atrocious. The silence that conceals this crime is disgraceful. We have to speak out because the victims are living in fear for their lives. We have to raise our voices for them. That means confronting the social and economic conditions that abet this crime. It means arresting the traffickers. And above all, it means protecting the victims.

– Former United Nations Secretary General Ban Ki-moon

In an effort to integrate human trafficking elements into Pennsylvania’s child abuse law, the General Assembly now recognizes human trafficking as a form of child abuse and neglect. Act 115 of 2016 added “engaging a child in a severe form of trafficking in persons or sex trafficking” as part of the definition of child abuse. This includes both sex trafficking and labor trafficking of children.

Act 115 of 2016:

- Adds a category of child abuse to include:
  - Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000.
- Adds a category of perpetrator to include:
  - an individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000.
- Provides for additional grounds for involuntary termination of parental rights.
- Provides for additional grounds for aggravated circumstances.
- Allows for release of information in confidential reports to law enforcement when investigating cases of severe forms of trafficking in persons of sex trafficking.

Severe forms of trafficking in persons includes sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age; or

- **Sex trafficking:** the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act
- **Commercial sex act:** Any sex act on account of which anything of value is given to or received by any person

It also includes the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

- **Peonage:** paying off debt through work

- **Debt Bondage:** debt slavery, bonded labor, or services for a debt or other obligation
- **Slavery:** A condition compared to that of a slave in respect of exhausting labor or restricted freedom

**Labor trafficking:** Labor obtained by use of threat of serious harm, physical restraint, or abuse of legal process. Examples include:

- Being forced to work for little or no pay (frequently in factories and farms)
- Domestic servitude: providing services within a household for 10-16 hours per day, such as, but not limited to: childcare, cooking, cleaning, yard work, gardening, etc.

Severe forms of human trafficking should be suspected when a person verified to be under the age of 18 is in any way involved in a commercial sex act industry or has a record of prior arrest for prostitution or related charges. A victim may be hypervigilance or paranoid, avoids answering question (or let someone else speak for them), or lie about or have no identification or knowledge of personal data, such as but not limited to age, name, and/or date of birth.

Other warning signs can include:

- Maintains an explicitly sexual online profile, increased social media, new associates or friends at school.
- Frequents internet chat rooms and classified sites.
- Depicts elements of sexual exploitation in drawing, poetry, or other modes of creative expression.
- Has Tattoos they're reluctant to explain.
- Has late nights, unusual hours, or secrecy about their whereabouts.
- Is found in a hotel, street track, truck stop, or strip club.
- Does not have insurance or control over own finances.
- Wears clothing that is dirty and inappropriate for the weather; it may be too large or too small (often dresses or skirts that are provocative in nature).
- Wears new clothes of any style and gets hair and/or nails done with no financial means.
- Has multiple cell phones or very expensive items that they have no way of purchasing on their own.
- Uses specific terms such as "trick", "the life", or "the game".
- Involved in controlling or dominating relationships.
- Has interest in or is in relationships with adults or older adults.

Medical warning signs can include:

- Unaddressed medical issues, coming to the ER or clinic alone or with an unrelated adult.
- Significant changes in behavior, including increased social media and new associates or friends at school.
- Frequent or multiple sexually transmitted diseases or pregnancies.
- Unexplained injuries and/or unbelievable or inconsistent explanations of injuries.
- Multiple bruises or cuts in various stages of healing.

At-risk youth populations can include youth:

- In the foster care system
- Who identify as LGBTQ+
- Who are homeless or a runaway
- With disabilities
- With a history of sexual abuse
- With mental health and/or substance abuse disorders
- With a history of being involved in the welfare system
- Who identify as native or aboriginal

- With family dysfunction



Source: Department of Homeland Security (Public domain)

## 4.4 Exclusions from Child Abuse (23 Pa.C.S. §6304)

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 a risk of injury or harm to the child.

The term "child abuse" does not include any conduct for which an exclusion is provided in section 6304 of the PA CPSL (relating to exclusions from child abuse).

**Note:** Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to consider the exclusions from child abuse before making a report of suspected child abuse.

The exclusions from child abuse are considered/determined by DHS or the investigating agency after receipt of a referral/report.

### 4.4.1 Environmental Factors

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors—such as inadequate housing, furnishings, income, clothing, and medical care—that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides. This exclusion shall not apply to any childcare service as defined in the PA CPSL, excluding an adoptive parent.

### 4.4.2 Practice of Religious Beliefs

If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides—which beliefs are consistent with those of a bona fide religion – the child shall not be deemed to be physically or mentally abused. In such cases, the following shall apply:

1. The county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.
2. All correspondence with a subject of the report and the records of DHS and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.

3. The family shall be referred for general protective services, if appropriate.
4. This exclusion shall not apply if the failure to provide needed medical or surgical care causes the death of the child.
5. This exclusion shall not apply to any childcare service as defined under section 6303(a) of the PA CPSL (relating to definitions), excluding an adoptive parent.

### 4.4.3 Use of Force for Supervision, Control, and Safety Purposes

The use of reasonable force (relating to rights of parents) on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:

- 1) The use of reasonable force constitutes incidental, minor, or reasonable physical contact with the child or other actions that are designed to maintain order and control.
- 2) The use of reasonable force is necessary:
  - i. to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;
  - ii. to prevent the child from self-inflicted physical harm;
  - iii. for self-defense or the defense of another individual; or
  - iv. to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.

### 4.4.4 Rights of Parents

Nothing in the PA CPSL 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.

### 4.4.5 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 the PA CPSL.

### 4.4.6 Child-on-Child Contact

- 1) Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator.
- 2) Notwithstanding paragraph (1) above, the following shall apply:
  - i. Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of the PA CPSL:
    - a. Rape as defined in 18 Pa.C.S. §3121
    - b. Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. §3123
    - c. Sexual assault as defined in 18 Pa.C.S. §3124.1
    - d. Aggravated indecent assault as defined in 18 Pa.C.S. §3125

e. Indecent assault as defined in 18 Pa.C.S. §3126

f. Indecent exposure as defined in 18 Pa.C.S. §3127

3) Notwithstanding paragraph (1) above, the following shall apply:

i. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight, or scuffle entered into by mutual consent.

ii. A law enforcement official who receives a report of suspected child abuse is not required to make a report to DHS if the person allegedly responsible for the child abuse is a non-perpetrator child.

#### 4.4.7 Defensive Force

Reasonable force for self-defense or the defense of another individual consistent with the provisions of 18 Pa.C.S. §§505 (relating to use of force in self-protection) and 506 (relating to use of force for the protection of other persons) shall not be considered child abuse.

## 5. Reporting Suspected Child Abuse

In Pennsylvania, a mandated reporter is required to make a report to Childline when he or she has a reasonable cause to suspect that a child is the victim of child abuse. A person encouraged to report suspected child abuse is encouraged to report suspected child abuse but is not required to do so by law.

Child Protective Services reports are those that allege a child might have been a victim of child abuse. Reports alleging that a child under 18 years of age may have been abused are accepted for investigation when reported prior to the victim's 20th birthday (PDHS, 2023, May).

### 5.1 Reasonable Cause to Suspect

"Reasonable cause to suspect" may be a determination you make based on your training/experience and all known circumstances – to include "who", "what", "when", and "how", observations (e.g., indicators of abuse or "red flags", behavior/demeanor of the child(ren), behavior/demeanor of the adult(s), etc.), as well as familiarity with the individuals (e.g., family situation and relevant history or similar prior incidents, etc.).

Some indicators may be more apparent than others depending on the type of abuse and/or depending on the child's health, development, and well-being. For example, some indicators may be visible on the child's body while other indicators may be present in the child's behaviors.

### 5.2 Persons Encouraged to Report (23 Pa.C.S. §6312)

Any person may make an oral/verbal (1-800-932-0313) or written report of suspected child abuse, which may be submitted electronically, or cause a report of suspected child abuse to be made to DHS, county agency, or law enforcement, if that person has reasonable cause to suspect that a child is a victim of child abuse.

### 5.3 Persons Required to Report (23 Pa.C.S. §6311)

A mandated reporter enumerated under section 6311(a) of the PA CPSL (relating to persons required to report suspected child abuse) must immediately make a report suspected child abuse to ChildLine, Pennsylvania's 24/7 Child Abuse Hotline and Registry, by calling 1-800-932-0313 or electronically through the Child Welfare Portal.

### 5.3.1 a) Mandated Reporters

The following adults shall make a report of suspected child abuse, subject to subsection (b) (relating to basis to report), if they have 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 (DOS).
2. A medical examiner, coroner, or funeral director.
3. An employee of a health care facility or provider licensed by the Department of Health (DOH) 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. An independent contractor.
7. A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer, or spiritual leader of any regularly established church or other religious organization.
8. 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.
9. An employee of a social service agency who has direct contact with children in the course of employment.
10. A peace officer or law enforcement official.
11. An emergency medical services provider certified by Department of Health.
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 person listed above who has direct contact with children in the course of employment.
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. 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 DHS under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21) known as the Human Services Code (formerly the Public Welfare Code). Done LR 10-17-24

### 5.3.2 b) Basis to Report

A mandated reporter shall make a report of suspected child abuse in accordance with section 6313 (relating to reporting procedure) if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following 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.
- 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, 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) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- 4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

Nothing section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) shall require a child to come before the mandated reporter in order for the mandated reporter in order to make a report of suspected child abuse.

Nothing section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) shall require the mandated reporter to identify the person responsible for the child abuse in order to make a report of suspected child abuse.

### **5.3.3 c) Staff Members of Institutions, etc.**

Whenever a person is required to report under subsection (b) (relating to basis to report) in the capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, that person shall report immediately in accordance with section 6313 (relating to reporting procedure) and shall immediately thereafter 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 facilitate the cooperation of the institution, school, facility, or agency with the investigation of the report. Any intimidation, retaliation, or obstruction in the investigation of the report is subject to the provisions of 18 Pa.C.S.§4958 (relating to intimidation, retaliation or obstruction in child abuse cases). The PA CPSL does not require more than one report from any such institution, school, facility, or agency.

## **5.4 Privileged Communications (23 Pa.C.S.§6311.1)**

### **5.4.1 a) General Rule**

Subject to subsection (b) (relating to confidential communications) below, 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.

### **5.4.2 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.

## **6. The Reporting Procedure (23 Pa.C.S.§6313)**

### **6.1 a) Report by Mandated Reporter**

- 1) A mandated reporter shall immediately make an oral/verbal report of suspected child abuse to DHS via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) (1-800-932-0313) or a written report using electronic technologies under section 6305 (relating to electronic reporting) via the self-service Child Welfare Portal.

2) A mandated reporter making an oral/verbal report of suspected child abuse to DHS via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) shall also make a written report, which may be submitted electronically, within 48 hours to DHS or the county agency assigned to the case by using the CY-47 form.

3) The failure of the mandated reporter to file the written report (CY-47) shall not relieve the county agency from any duty under the PA CPSL, and the county agency shall proceed as though the mandated reporter complied.

If you work for an employer, we refer you to your employer for any internal policies related to reporting suspected child abuse that they may have.

## 6.2 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 DHS requires by regulation.

## 6.3 c) Applicability of Mental Health Procedures Act

Notwithstanding any other provision of law, a mandated reporter who makes a report of suspected child abuse or who makes a report of a crime against a child to law enforcement officials shall not be in violation of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, by releasing information necessary to complete the report.

<b>Statewide Toll-Free Telephone Number (23 Pa.C.S. §6332)</b>
--

The Statewide toll-free telephone number is available for all persons, whether mandated by law or not, to use to report cases of suspected child abuse or children allegedly in need of general protective services.

**1-800-932-0313**

## 6.4 Electronic Reporting (23 Pa.C.S. §6305)

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

## 6.5 Confidentiality of Reports (23 Pa.C.S. §6339)

Except as otherwise provided in subchapter C of the PA CPSL (relating to powers and duties of department) or by the Pennsylvania Rules of Juvenile Court Procedure, reports made pursuant to the PA CPSL, including, but not limited to, report summaries of child abuse and reports made pursuant to section 6313 (relating to reporting procedure) as well as any other information obtained, reports written, or photographs or X-rays taken concerning alleged instances of child abuse in the possession of DHS or a county agency shall be confidential.

## 6.6 Release of Information in Confidential Reports (23 Pa.C.S. §6340)

**Protecting identity**—Except for reports under section 6340(a)(9) and (10) of the PA CPSL and in response to a law enforcement official investigating allegations of false reports under 18 Pa.C.S. §4906.1 (relating to false reports of child abuse), the release of data by DHS, county, institution, school, facility, or agency or designated agent of the person in charge that would identify the person who made a report of suspected child abuse or who cooperated in a subsequent investigation is prohibited. Law enforcement officials shall treat all reporting sources as confidential informants.

## 7. Immunity from Liability (23 Pa.C.S. §6318)

**a) General rule**—A person, hospital, institution, school, facility, agency, or agency employee acting in good faith shall have immunity from civil and criminal liability that might otherwise result from any of the following:

- 1) Making a report of suspected child abuse or making a referral for general protective services, regardless of whether the report is required to be made under the PA CPSL
- 2) Cooperating or consulting with an investigation under the PA CPSL, including providing information to a child fatality or near-fatality review team
- 3) Testifying in a proceeding arising out of an instance of suspected child abuse or general protective services
- 4) Engaging in any action authorized under 23 Pa.C.S. §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)

**b) Departmental and County Agency Immunity**—An official or employee of DHS or county agency who refers a report of suspected child abuse for general protective services to law enforcement

authorities or provides services as authorized by the PA CPSL shall have immunity from civil and criminal liability that might otherwise result from the action.

**c) Presumption of Good Faith**—For the purpose of any civil or criminal proceeding, the good faith of a person required to report suspected child abuse and of any person required to make a referral to law enforcement officers under the PA CPSL shall be presumed.

## 7.1 Protection from Employment Discrimination (23 Pa.C.S. §6320)

**a) Basis for relief**—A person may commence an action for appropriate relief if all of the following apply:

- 1) The person is required or encouraged by the PA CPSL to report suspected child abuse.
- 2) The person acted in good faith in making or causing the report of suspected child abuse to be made.
- 3) As a result of making the report of suspected child abuse, the person is discharged from employment or is discriminated against with respect to compensation, hire, tenure, terms, conditions, or privileges of employment.

**b) Applicability**—This section does not apply to an individual making a report of suspected child abuse who is found to be a perpetrator because of the report or to any individual who fails to make a report of suspected child abuse as required under section 6311 (relating to persons required to report suspected child abuse) and is subject to conviction under section 6319 (relating to penalties) for failure to report or to refer.

## 7.2 Penalties (23 Pa.C.S. §6319)

**a) Failure to Report or Refer**

- 1) A person or official required by the PA CPSL to report a case of suspected child abuse or to make a referral to the appropriate authorities commits an offense if the person or official willfully fails to do so.
- 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) above 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 DHS, 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 the PA CPSL.

**b) Continuing course of action**—If a person's willful failure to report an individual suspected of child abuse continues while the person knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the person knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity, or service, the person commits a felony of the third degree...except

that, if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the second degree.

**c) Multiple offenses**—A person who, at the time of sentencing for an offense under this section, has been convicted of a prior offense under this section commits a felony of the third degree...except that, if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offenses is a felony of the second degree.

**d) Statute of limitations**—The statute of limitations for an offense under this section shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater.

## 7.3 Disposition of Complaints Received (23 Pa.C.S. §6334) & Responsibility for Investigation (23 Pa.C.S. §6334.1)

When a county agency or law enforcement receives a referral/report, the county agency or law enforcement official is to notify DHS/ChildLine after ensuring the immediate safety of the child and any other child(ren) in the child's home.

When DHS/ChildLine receives a referral/report, DHS/ChildLine will immediately evaluate and transmit the information to the appropriate agency for assessment or investigation.

**Referral to county agency (CPS)**—If the suspected child abuse is alleged to have been committed by a perpetrator, DHS/ChildLine will transmit the information to the county agency where the suspected child abuse is alleged to have occurred for investigation of the allegation(s).

**Referral to county agency and law enforcement officials (LEO)**—If the suspected child abuse is alleged to have been committed by a perpetrator and the behavior constituting the suspected child abuse may include a violation of a criminal offense, DHS/ChildLine will transmit the information to the appropriate law enforcement official in the county where the suspected child abuse is alleged to have occurred for a joint investigation of the allegation(s).

**Referral to law enforcement officials only (LEO)**—If the person suspected of committing child abuse is not a perpetrator but the behavior constituting the suspected child abuse may include a violation of a criminal offense, DHS/ChildLine will transmit the information to the appropriate law enforcement official in the county where the suspected child abuse is alleged to have occurred for investigation of the allegation(s).

**Referral to county agency (GPS)** —If the referral/report does not suggest the child is in need of protective services but suggests the child is in need of other services, DHS/ChildLine will transmit the information to the appropriate county agency for assessment of the needs of the child.

## 7.4 Investigation of Reports (23 Pa.C.S. §6319)

**Notice to mandated reporter**—If a report was made by a mandated reporter, DHS shall notify the mandated reporter who made the report of suspected child abuse of all of the following within three (3) business days of DHS's receipt of the results of the investigation:

- 1) Whether the child abuse report is founded, indicated, or unfounded.
- 2) Any services provided, arranged for, or to be provided by the county agency to protect the child.

## 8. The Child Welfare Portal

The Pennsylvania Child Welfare Portal provides a means for individuals to apply for PA Child Abuse History Clearance online and for mandated reporters to report child abuse in Pennsylvania. Organizations can manage PA Child Abuse History Clearances online for their employees and volunteers (PA DHS, nd).

The secure website is provided for mandated reporters ([click here to find out if you are a Mandated Reporter](#)) to report suspicions of abuse and/or neglect of children when the suspected abuse and/or neglect took place in Pennsylvania (PA DHS, nd).

To create an account, click the [<create individual account>](#) button and follow the prompts. If you already have a login, click the [<individual login>](#) button.

Need Help? Contact the CWIS

Support Center at 1-877-343-0494.

## 9. Case / Reporting Scenarios

### 9.1 Reasonable Cause to Suspect

You are a nurse working in an urgent care clinic. A 2-year-old boy is brought in by his mom and the boy's father. The mom reports that her son won't stop crying. The father interrupts the mother, saying the boy is clumsy and is always falling. The father seems overly protective and won't allow the mom to answer any questions.

During your examination, you notice bruising of various sizes and colors on the boy's trunk, including the abdomen and back. He has swelling on his left leg and a bruise on her forehead. When you try to examine his left leg, he withdraws, cries out, and reaches for his mother.

The father reports that the child fell off his highchair earlier in the day while the mother was at work. When the father reaches for his son, the child begins crying uncontrollably, screams, and pulls away from his father.

You send a nurse and the mom for an x-ray of the boy's leg and hip, which shows a buckle fracture of the tibia. You ask the boyfriend to wait in the room, but he is becoming increasingly agitated and impatient and says he is going to take his son home. When the boy returns from his x-ray, the doctor recommends that he be admitted for more tests.

#### Discussion

You have a reasonable cause to suspect that the child is the recipient of abuse due to the leg fracture, bruising of different levels of healing, depth of bruising, and bruising in atypical locations\*, as well as the child's fearful reaction to the father.

Your suspicions are aroused further when the father tells you he is going to get a cup of coffee. On his way out he says, "there's nothing wrong with the kid—he's just being a baby." The father does not return. You correctly decide to make an immediate report to ChildLine.

**The bottom line:** Treat the child and make your report to ChildLine.

## 9.2 Three Components of Child Abuse

You are an occupational therapist assigned to work with a 66-year-old woman who had a hip replacement about 2 weeks ago. When you arrive at 3 pm, the blinds are closed. A man answers the door who appears to be drunk. His speech is slurred and there is a strong odor of alcohol.

You introduce yourself to your client, who is lying on a couch in the front room. As you cross the room, you notice an infant lying in a crib in the corner of the room. You notice a heavy urine and feces odor urine coming from the crib. You also notice that the baby's clothes and bedding are stained and dirty. Beside the crib is an overflowing dirty diaper bin and you note at least a dozen empty beer bottles on the coffee table. Meanwhile, man disappears into a back room.

You're there to treat the grandmother, who relates to you that her son is looking after her and her grandchild. You assess her situation and begin your treatment, but you are concerned about the cleanliness of the baby's environment and the apparently drunk caregiver. You review in your mind the 3 key components of child abuse in PA CPSL: 1) a child, 2) an act or failure to act, and 3) intentional, knowing, or reckless behaviors that give you a reasonable cause to suspect the child is a victim of child abuse.

### Discussion

What is your role in this situation? You are there to treat the assigned client—not to assess the child for neglect. You suspect the child may be the victim of abuse or neglect based on the condition of the house, the child's appearance, and the drunken caregiver. At the very least, the child appears to be physically neglected.

### The Bottom Line

Treat your client. However, you cannot ignore the situation with the child. Based on your knowledge of the three components of child abuse, you have a reasonable cause to suspect and, as a mandated reporter you must report your suspicions to ChildLine personally and immediately.

Do not assess the child yourself—your responsibility is to the assigned client. You must make your report to ChildLine, stating your objective findings.

## 9.3 Child Welfare

You are a physical therapist working in a rural part of Pennsylvania. You have been assigned to evaluate an older woman following a knee replacement. Your patient lives in the living room of a the one-bedroom, one-bath trailer. Her daughter and son-in-law share the bedroom. The inside of the trailer is unkempt and crowded but not overly dirty. There is running water, but the only heat is from a small floor heater.

During your visit, you notice a tent in a partially fenced front yard. You are told that there are 2 school-aged children that sleep in the tent. You are concerned about the kids sleeping in the yard during bad weather and are told by their mother that they sleep in the tent when the weather allows and come inside and sleep on the floor of the bedroom when it gets too cold or rainy. They have a large dog that sleeps in the tent with them.

You note that the kids appear to be well-fed, are not withdrawn with adults, and seem comfortable and relaxed when interacting with their mother. Their clothes are seasonally appropriate but in disrepair. You're not sure if there is reasonable cause to suspect child abuse or neglect.

### Discussion

You decide there is a reasonable cause to suspect the children are the victims of neglect and make a report to ChildLine. CPS sends a social worker to assess the situation, but she does not feel the children are victims of abuse or neglect. The CPS worker feels that, with support services and an evaluation of the family's strength and weakness, the negative factors can be successfully resolved. She arranges for support services and ongoing visits to monitor the situation.

## 9.4 Section 6311 of the PA CPSL (relating to persons required to report suspected child abuse)

You are working in an emergency department. A woman arrives in acute distress, complaining of abdominal pain. Upon examination, you note that she is pregnant. The baby is successfully delivered and immediately starts having seizures. The baby was born premature at 34 weeks (per mother's determination of when she became pregnant). It is under-weight for its gestational age.

The mother reports to you she used drugs throughout her pregnancy and her last use of drugs was 24 hours ago. She reported to you that she did not see a healthcare provider at all prior to the delivery. During physical exam you note that the mother has injection scars on both her arms. She reports that she is without medical insurance and doesn't know how she's going to look after the baby.

The mother also reports to you that she doesn't want to see the baby and wants to know when she can have something for pain.

### What indicators are present?

- No medical care during pregnancy.
- Continued use of drugs during pregnancy.
- Disinterest in seeing her baby.
- No plan for the baby's care.
- Physical signs of injection drug use.
- Patient's request for pain medication.

[In your role as a mandated reporter, do you have reasonable cause to suspect child](#)

abuse?

- Yes

What are your next steps?

- A mandated reporter enumerated under section 6311(a) of the PA CPSL (relating to persons required to report suspected child abuse) must immediately make a report of suspected child abuse to ChildLine, Pennsylvania's 24/7 Child Abuse Hotline and Registry, by calling 1-800-932-0313 or electronically through the Child Welfare Portal, if they have reasonable cause to suspect a child is a victim of child abuse.

## 9.5 Acting in Good Faith

A 10-year-old girl comes to the doctor's office for a school sports physical for soccer. She has bruises on her lower left leg, scratches along his left arm, and a bruise on her forehead. When questioned, the girl reports she was injured while playing soccer on Saturday afternoon. She proudly states that she was tackled while making a goal that won the game.

She lives with his mother, a single parent. His mother says she is very active and athletic. You understand that, when there is a reasonable cause to suspect child abuse, mandatory reporters are protected from retaliatory employment actions as long the report was made in good faith.

What indicators are present?

- Bruises and scratches along one side of the child's body consistent with a sports injury.

Is there reasonable cause to suspect child abuse or maltreatment?

- In your professional opinion, is the story is consistent with a soccer injury? What were the injury patterns?
- Was the child's condition the result of an act or failure to act on the part of the parent?

In your role as a mandated reporter, do you have reasonable cause to suspect child abuse?

- No

What are your next steps?

- Continue the physical and treat the child's injuries as needed.

## 10. Key Takeaways

1. The basis for reporting suspected child abuse is having “reasonable cause to suspect” a child is a victim of child abuse.
2. Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to identify the type of abuse they are reporting when making a report of suspected child abuse.
3. The PA CPSL recognizes three key components of child abuse:
  - a. Child
  - b. Act or failure to act; Recent act; Recent act or failure to act; or A series of acts or failures to act
  - c. Intentionally, knowingly, or recklessly
4. A mandated reporter enumerated under section 6311(a) of the PA CPSL (relating to persons required to report suspected child abuse) must immediately make a report suspected child abuse to ChildLine, Pennsylvania’s 24/7 Child Abuse Hotline and Registry, by calling 1-800-932-0313 or electronically through the Child Welfare Portal, if they have reasonable cause to suspect 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 a regularly scheduled program, activity, or service.
  - 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.
5. Nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) requires a **child** to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.
6. Nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) requires the **mandated reporter** to identify the person responsible for the child abuse in order to make a report of suspected child abuse.
7. Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to consider the exclusions from child abuse in order to make a report of suspected child abuse.
8. A mandated reporter is presumed to have acted in good faith when making a report of suspected child abuse.

## 11. References

Ba-Saddik ASS and Hattab AS. (2012). Emotional abuse towards children by schoolteachers in Aden Governorate, Yemen: A cross-sectional study. *BMC Public Health* 2012, 12:647. Retrieved November 1, 2024 from <http://www.biomedcentral.com/1471-2458/12/647>.

Child Welfare Information Gateway (**CWIG**). (2022, May). Definitions of Child Abuse and Neglect—Pennsylvania. Retrieved November 1, 2024 from <https://www.childwelfare.gov/resources/definitions-child-abuse-and-neglect-pennsylvania/>.

Department of Health and Human Services (**DHHS**). (2024). Child Maltreatment 2022. Retrieved August 9, 2024 from <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2022.pdf>.

First Witness Child Advocacy Center. (2024). The Truth About Stranger Danger: Debunking Common Myths about Child Sexual Abuse. Retrieved November 11, 2024 from <https://firstwitness.org/news/the-truth-about-stranger-danger-debunking-common-myths-about-child-sexual-abuse/>.

Kumari V. (2020). Emotional abuse and neglect: time to focus on prevention and mental health consequences. *Br J Psychiatry*. 2020 Nov; 217(5):597-599. Retrieved November 11, 2024 from <https://pmc.ncbi.nlm.nih.gov/articles/PMC7589986/>.

Lippard ETC, Nemeroff CB. (2020). The Devastating Clinical Consequences of Child Abuse and Neglect: Increased Disease Vulnerability and Poor Treatment Response in Mood Disorders. *Am J Psychiatry*. 2020 Jan 1; 177(1):20-36. Retrieved November 11, 2024 from <https://pmc.ncbi.nlm.nih.gov/articles/PMC6939135/>.

Pennsylvania Code (**PA Code**). (2024, March 30). § 3490.4. Definitions. Retrieved September 11, 2024 from <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter3490/chap3490toc.html&d=reduce#3490.4>.

Pennsylvania Department of Human Services (**PDHS**). (2023, May). Child Protective Services 2021 Annual Report. Retrieved September 12, 2024 from [https://www.pa.gov/content/dam/copapwp-pagov/en/dhs/documents/docs/ocyf/documents/2022-PA-CHILD-PROTECTIVE-SERVICES-REPORT\\_8-10-2023\\_FINAL.pdf](https://www.pa.gov/content/dam/copapwp-pagov/en/dhs/documents/docs/ocyf/documents/2022-PA-CHILD-PROTECTIVE-SERVICES-REPORT_8-10-2023_FINAL.pdf).

PA DHS (Nd). Retrieved August 12, 2024 from <https://www.compass.state.pa.us/cwis/public/home>.

U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (**USDHHS**). (2024). Child Maltreatment 2022. Retrieved November 6, 2024 from <https://www.acf.hhs.gov/cb/data-research/child-maltreatment>.

## 12. Resources

### **Annie E. Casey Foundation**

Dedicated to helping build better futures for disadvantaged children. Partners with institutions, agencies, decision makers, and community leaders. Funds research, provides technical assistance, supports public schools, juvenile justice agencies, and child welfare systems. 410 547 6600 / 410 547 6624. <http://www.aecf.org/>

### **Center for Law and Social Policy**

Develops and advocates for federal, state, and local policies to strengthen families and create pathways to education and work. 202 906 8000. <http://www.clasp.org/>

**ChildLine** 1-800-932-0313 (to report child abuse in Pennsylvania)

### **Child Welfare Information Gateway / U.S. Department of Health Human Services**

Resources on child abuse prevention, protecting children from risk of abuse, and strengthening families. <https://www.childwelfare.gov/>

**Child Welfare League of America** <http://www.cwla.org/>

### **Department of Human Services**

<http://www.KeepKidsSafe.pa.gov/>; Mandated reporters: <http://www.compass.state.pa.us/cwis>

### **Pennsylvania Child Welfare Resource Center**

<http://www.pacwrc.pitt.edu/>; University of Pittsburgh, School of Social Work 403 Phone: (717) 795-9048 Fax: (717) 795-8013

**Pennsylvania Family Support Alliance** [www.pa-fsa.org](http://www.pa-fsa.org) 800-448-4906/717 238-0937

### **Prevent Child Abuse America**

The nation's oldest and largest organization committed to preventing child abuse and neglect before it happens. <https://preventchildabuse.org/>

### **The Center for Children's Justice**

<http://www.c4cj.org/>; 717-215-1440

## 13. Definitions

### **23 Pa.C.S. § 6303 (relating to definitions)**

Includes definitions of bodily injury, child abuse, substantiated child abuse, parent, child, protective services, child protective services, general protective services, county agency, department, recent act or failure to act, serious mental injury, physical neglect, sexual abuse, or exploitation.

### **23 Pa.C.S. § 6362 (relating to responsibilities of county agency for child protective services)**

Includes preliminary provisions, provisions and responsibilities for reporting suspected child abuse, powers and duties of department, students in public and private schools (repealed), background checks for employment in schools (repealed), organization and responsibilities of child protective service, and miscellaneous provisions.

### **23 Pa.C.S. § 6372 (relating to protecting well-being of children maintained outside home)**

The county agency shall be as equally vigilant of the status, well-being, and conditions under which a child is living and being maintained in a facility other than that of a parent, custodian, or guardian from which the child has been removed as the service is of the conditions in the dwelling of the parent, custodian or guardian. Where the county agency finds that the placement for any temporary or permanent custody, care or treatment is for any reason inappropriate or harmful in any way to the physical or mental well-being of the child, it shall take immediate steps to remedy these conditions including petitioning the court.

### **23 Pa.C.S. § 6373 (relating to general protective services responsibilities of county agency)**

Each county agency is responsible for administering a program of general protective services to children and youth that is consistent with the agency's objectives to:

- Keep children in their own homes, whenever possible.
- Prevent abuse, neglect, and exploitation.
- Overcome problems that result in dependency.
- Provide temporary, substitute placement in a foster family home or residential child-care facility for a child in need of care.
- Reunite children and their families whenever possible when children are in temporary, substitute placement.
- Provide a permanent, legally assured family for a child in temporary, substitute care who cannot be returned to his own home.
- Provide services and care ordered by the court for children who have been adjudicated dependent.

### **23 Pa.C.S. § 6374 (relating to principles and goals of general protective services)**

The primary purpose of general protective services is to protect the rights and welfare of children so that they have an opportunity for healthy growth and development.

Implicit in the county agency's protection of children is assistance to parents in recognizing and remedying conditions harmful to their children and in fulfilling their parental duties more adequately.

**23 Pa.C.S. § 6375 (relating to county agency requirements for general protective services)**

Describes the requirements for general protective services:

- Duties and organization of the county agency
- Assessment for services
- Receiving and assessing reports
- Preparing a family service plan
- Types of services
- Monitoring, evaluating, and assessing
- Emergency coverage
- Protective custody
- Court action
- Adjudication of dependency
- Assistance to court
- Weekly face-to-face contacts
- Transfer of files between agencies
- Availability of information

**55 Pa. Code § 3490.223 (relating to definitions)**

**Assessment**—An evaluation by the county agency to determine whether or not a child needs general protective services.

**Custodial parent**—The parent responsible for the day-to-day care and supervision of the child.

**General protective services**—Services to prevent the potential for harm to a child who meets one of the following conditions:

(i) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.

(ii) Has been placed for care or adoption in violation of law.

(iii) Has been abandoned by his parents, guardian or other custodian.

(iv) Is without a parent, guardian or legal custodian.

(v) Is habitually and without justification truant from school while subject to compulsory school attendance.

(vi) Has committed a specific act of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision.

(vii) Is under 10 years of age and has committed a delinquent act.

(viii) Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in subparagraph (vi).

(ix) Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi).

**Parent**—A biological parent, adoptive parent, legal guardian or primary person responsible for a child.

**Potential for harm**—

(i) Likely, if permitted to continue, to have a detrimental effect on the child's health, development or functioning.

(ii) The term does not include imminent risk as defined in the definition of "child abuse" in § 3490.4.

Primary person who is responsible for the care of a child—A person who provides or arranges ongoing care and supervision to a child in lieu of parental care and supervision.

Report—A verbal or written statement to the county agency from someone alleging that a child needs general protective services.

**Section 103 of the Trafficking Victims Protection Act of 2000 (key Legislation, definitions, and updates)**

Defines severe forms of trafficking in persons and sex trafficking.

**42 Pa.C.S. § 6323 (relating to informal adjustment)**

Defines rules related to informal adjustment:

- General rules
- Counsel and advice
- Limitations on duration of counsel and advice
- No detention authorized
- Privileged statements
- Terms and conditions

**42 Pa.C.S. § 6341 (relating to adjudication)**

After hearing the evidence on the petition, the court shall make and file its findings as to whether the child is a dependent child. If the petition alleges that the child is delinquent, within seven days of hearing the evidence on the petition, the court shall make and file its findings whether the acts ascribed to the child were committed by him. This rule describes:

- Finding of delinquency
- Finding of dependency
- Evidence on issue of deposition
- Continued hearings

## 14. Quiz (10 questions)

**A score of 80% or higher is required to pass this test.**

1. Having "reasonable cause to suspect" a child is a victim of child abuse is the basis for reporting suspected child abuse.
  - a. True
  - b. False
2. Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to identify the type of abuse they are reporting when making a report of suspected child abuse.
  - a. True
  - b. False
3. The PA CPSL recognizes three key components of child abuse:
  - a. A child.
  - b. An act or failure to act; Recent act; Recent act or failure to act; or A series of acts or failures to act.
  - c. Actions that are done intentionally, knowingly, or recklessly.
  - d. All of the above.
4. Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to consider the exclusions from child abuse in order to make a report of suspected child abuse.
  - a. True
  - b. False
5. A mandated reporter enumerated under section 6311(a) of the PA CPSL (relating to persons required to report suspected child abuse) must immediately make a report suspected child abuse to ChildLine, Pennsylvania's 24/7 Child Abuse Hotline and Registry, by calling 1-800-932-0313 or electronically through the Child Welfare Portal.
  - a. True
  - b. False
6. if they have reasonable cause to suspect a child is a victim of child abuse, under which of the following circumstances must you immediately make a report suspected child abuse to ChildLine?
  - a. The mandated reporter hears about an incident of child abuse from a newspaper article.
  - b. The mandated reporter works with someone who 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 5 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

7. PA CPSL does not require a *child* to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

- a. True
- b. False

8. PA CPSL does not require the *mandated reporter* to identify the person responsible for the child abuse in order to make a report of suspected child abuse. A

- a. True
- b. False

9. A mandated reporter who suspects child abuse must report:

- a. Personally to their immediate supervisor.
- b. Via ChildLine with 2 weeks.
- c. Within 48 hours to the police.
- d. Immediately and directly to ChildLine.

10. A mandated reporter is presumed to have acted in good faith when making a report of suspected child abuse.

- a. True
- b. False

## Registration and Payment Form

Please answer all of the following questions (\* required).

\*Name: \_\_\_\_\_

\*Email: \_\_\_\_\_

\*Address: \_\_\_\_\_

\*City, State, ZIP: \_\_\_\_\_

\*Country: \_\_\_\_\_

\*Phone: \_\_\_\_\_

\*Professional Credentials/Designations: \_\_\_\_\_

\*License Number and State: \_\_\_\_\_

## Reporting to the PA Licensing System (PALS)

If you would like us to report your course completion to the NY State Office of the Professions, the following information is required:

\*Birthdate: \_\_\_\_\_

\*Last 5 digits of your social security # \_\_\_\_\_

## Payment Options

You may pay by credit card, check or money order.

Fill out this section only if you are paying by credit card.

Contact hours: 2

Price: \$29

## Credit card information

\*Name: \_\_\_\_\_

Address (if different from above):

\*City, State and Zip: \_\_\_\_\_

\*Card type:     **Visa**   **Master Card**   **American Express**   **Discover**

\*Card number: \_\_\_\_\_

\*CVS#: \_\_\_\_\_     \*Expiration date: \_\_\_\_\_