

## **Mandated Reporter Frequently Asked Questions**

### **What is the Child Protective Services Law (CPSL)?**

The PA Child Protective Services Law (CPSL) was signed into law in 1975. It was enacted to protect children from abuse, allow the opportunity for healthy growth and development, and, whenever possible, preserve and stabilize the family.

### **What is child abuse?**

Child abuse, according to the CPSL, means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act.
- 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.
- 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.
- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Causing the death of the child through any act or failure to act.

Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
- Forcefully slapping or otherwise striking a child under one year of age.
- Interfering with the breathing of a child.
- Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

“Recent” is defined as an abusive act within two years from the date the report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.

## Who can be a perpetrator?

A perpetrator of child abuse can be a:

- child's parent,
- spouse or former spouse of the parent,
- paramour or former paramour of the parent,
- person 14 years of age or older responsible for the welfare of a child such as a baby sitter or day care staff person,
- individual residing in the same home as the child who is at least 14 years of age, or
- relative who is 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.

A perpetrator of child abuse for failure to act can be a:

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

Mandated reporters **do not** have to determine whether or not the person meets the definition of perpetrator in order to make the report.

## Who is a mandated reporter?

The following **adults** are considered mandated reporters and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- A medical examiner, coroner or funeral director.
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- A school employee.
- An employee of a child-care service who has direct contact with children in the course of employment.
- A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
- An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
- An employee of a social services agency who has direct contact with children in the course of employment.
- A peace officer or law enforcement official.
- An emergency medical services provider certified by the Department of Health.
- An employee of a public library who has direct contact with children in the course of employment.
- An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.

- An independent contractor who has direct contact with children.
- An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
- A foster parent.

### **When must mandated reporters make a report?**

Mandated reporters are required to make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- They come 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.
- They are directly responsible for the care, supervision, guidance or training of the child, or are 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.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

It is not required that the child come before the mandated reporter in order to make a report of suspected child abuse nor are they required to identify the person responsible for the child abuse to make a report of suspected child abuse.

### **What if a mandated reporter has general concerns about a child, but does not suspect abuse?**

Concerns related to the safety of children including, but not limited to inadequate housing, clothing and supervision, can be referred to ChildLine or the county children and youth agency for assessment as general protective services cases.

### **How do mandated reporters make a report of suspected child abuse?**

Mandated reporters must make an immediate and direct report of suspected child abuse to ChildLine either electronically at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis) or by calling 1-800-932-0313.

### **Does anyone within my institution, school, facility or agency need to be notified after a report is made?**

After making the report to ChildLine, mandated reporters are required to immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

### **What else must be done after making a report to ChildLine?**

If an oral report was made to ChildLine, a report of suspected child abuse (CY 47) must also be completed and forwarded to the county children and youth agency within 48 hours after making the report. This form can be obtained at [www.KeepKidsSafe.pa.gov](http://www.KeepKidsSafe.pa.gov) or from the children and youth agency. If a report is made electronically, no CY-47 is required to be completed.

**Does a mandated reporter have to know for sure that the child was abused?**

A mandated reporter is responsible to make the report when they **suspect** a child is a victim of abuse.

**Are mandated reporters required to report when they learn of the abuse from someone other than the child who was allegedly abused?**

Nothing requires a child to come before the mandated reporter in order to make a report.

**Must a mandated reporter give their name?**

The law requires that the mandated reporter identify themselves and where they can be reached. This information is helpful so that if clarification on the situation or additional information is needed, the children and youth caseworker can contact the mandated reporter.

**Will the name of the mandated reporter be released?**

The identity of the person making the report is kept confidential with the exception of being released to law enforcement officials or the district attorney's office.

**What if a mandated reporter fails to follow the law?**

The penalties for a mandated reporter who willfully fails to report child abuse range from a misdemeanor of second degree to a felony of the second degree.

**Will a mandated reporter have to testify in court?**

Mandated reporters may be required to testify in a civil or criminal court case, including a juvenile or criminal court proceeding.

**What happens after a report is made?**

ChildLine forwards the report of suspected child abuse to the local county children and youth agency, which investigates the report to determine if the allegations can be substantiated as child abuse/neglect and also arranges for or provides the services that are needed to prevent the further maltreatment of the child and to preserve the family unit.

The county children and youth agency must begin an investigation within 24 hours. A thorough inquiry is conducted to determine if the child was abused and what services are appropriate for the child and family. This must be completed within 30 days unless the agency provides justification as to why the investigation cannot be completed, including attempts being made to obtain medical records or interview subjects of the report.

If the alleged perpetrator named in the report does not meet the definition of perpetrator under the CPSL, but does suggest the need for investigation, ChildLine will forward the information to the district attorney's office in the respective county.

**How does a mandated reporter learn what happened on the report they made and what the agency is doing to protect the child from further abuse?**

Mandated reporters will receive information from the Department regarding the final status of the report, whether it was unfounded, indicated or founded, and the services planned or provided to protect the child.

**What will be done for the child?**

It is the mission of the county children and youth agency to preserve the family whenever possible. Should the child be found to be in danger of continued harm, the child may be removed from the home. Through counseling, training and other support services, families learn to end the cycle of abuse and establish a parent/child relationship that will be free of physical and mental violence.