

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



PUTTING THE CHILD BACK IN CHILD PROTECTION



THE CENTER FOR
Children's Justice

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Linea directa de 24 horas, apoyo en crisis, se da información y se remite.

Call 1-800-675-6900

All services are **free** and **confidential**
to victims, family and friends.

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

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

Counseling

NOVA provides [absolutely free one-on-one short term counseling](#) to victims, their families, significant others to identify and work through their thoughts and



PUTTING THE CHILD BACK IN CHILD PROTECTION

Shared Goal:

We all care about protecting children!

Shared Reality:

We're all learning to protect children in improved YET new ways!

Simple Message:

We'll keep learning together!

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

PA = CHILD ABUSE STATISTICAL OUTLIER

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



Nationally= 42.7 per 1,000 children

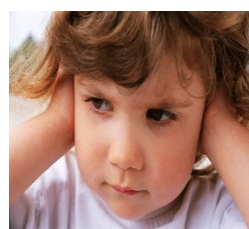
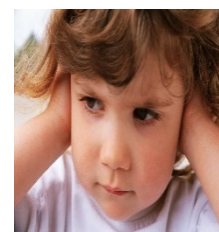
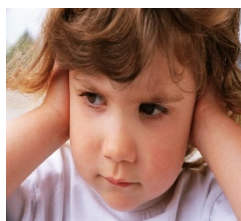




CHILD ABUSE VICTIMS IN PA = 1.2 PER 1,000 CHILDREN



Nationally = 9.1 per 1,000 children





CALL TO ACTION



1. **April 2011 - 1st tipping point...** physician-informed research (e.g., abusive head trauma and the rates of hospital admission for medically diagnosed “child abuse”) illustrates tangible disconnect between PA statistics on “child abuse” and on-the-ground experiences of children, physicians, and child welfare workforce.
 - Informed and mobilized by the Center for Children’s Justice, 50 + organizations urge creation of an **“intentional time-limited and interdisciplinary Task Force on Child Protection**
2. **November 2011 - 2nd tipping** ... On November 5, 2011, former Penn State Assistant Football Coach Gerald Sandusky arrested and criminally charged with 40 counts of sexual crimes against young boys, following a three-year investigation.



TASK FORCE ON CHILD PROTECTION CREATED

Intent:

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

Recommendation:

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

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



2 PATHS POSSIBLE

Child Protective Services Law

- ✓ Children and Youth Services investigates
- ✓ Evidence = substantial
- ✓ Not all child abuse reports trigger criminal charges or conviction
- ✓ + finding (known as substantiation) perpetrator placed on confidential child abuse registry (this is what is checked as part of a Child Abuse History Clearance)

Criminal Law

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

REPORTING DOESN'T MEAN CHILD LEAVES HOME

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

In fact, more PA children are receiving services in their own home when compared to 2010. These services permit a child to

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

167K + PA children received in-home services in 2014.

(State of Child Welfare 2015, http://www.porchlightproject.org/reports/socw15/2015_SOCW_Pennsylvania.pdf)



IMPORTANT

A mandated reporter is required to report

SUSPECTED

child abuse to

CHILDLINE.





Who is a Mandated Reporter in PA?

people in these positions are required to report child abuse:

- **A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State***
- A medical examiner, coroner or funeral director
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals
- **A school employee***
- An employee of a child care service, who has direct contact with children in the course of employment
- **Clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization***
- **An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child ***
- An employee of a social services agency who has direct contact with children in the course of employment
- A peace officer or law enforcement official defined as Attorney General, DA, PA State Police and municipal police officer
- **An emergency medical services provider certified by the Department of Health***
- **An employee of a public library, who has direct contact with children in the course of employment***
- **An individual supervised or managed by a person listed above who has direct contact with children in the course of their employment***
- **An independent contractor who has direct contact with children***
- **An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children***
- **A foster parent***

*** New or Expanded**

When Do Mandated Reporters Report?

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

1. The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service; **or**
2. The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization or other entity that is directly responsible for the care, supervision, guidance or training of the child; **or**
3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse*; **or**
4. An individual 14 years of age or older makes as specific disclosure to the mandated reporter that the individual has committed child abuse*.

* New or Expanded

Changes to the Definitions of Child Abuse

1. **Bodily Injury** is any “impairment” of the physical condition (change from former “significant impairment”) OR an injury that results in substantial pain (change from “severe” pain).
2. **Serious Mental Injury** now includes an act or series of acts over a course of time that *substantially contributes* to- though does not necessarily directly cause- a psychological condition in a child.
3. **Sexual Abuse or Exploitation** now includes *statutory sexual assault* and *institutional sexual assault*, as well the following:
 - a. looking at the sexual/intimate parts of a child for the purpose of arousing or gratifying sexual desire in any individual;
 - b. participating in sexually explicit conversation(in person, by telephone, by electronic device) for the purpose of sexual stimulation or gratification;
 - c. actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification;
 - d. actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

PA recognizes that age and experience create a power imbalance that can make it impossible for the younger person to give consent.

Understanding the Age of Consent in Pennsylvania

Children less than 13 years of age* cannot give consent to sexual activity.

Teens between the ages of 13 - 15* can consent to sexual activities with peers within a 4 year age range.

People ages 16 years and older* can legally consent to sexual activity.



Statutory Sexual Assault

When one and the other person is older

13 than 17
14 than 18
15 than 19

PA also recognizes that power imbalances in certain relationships make consent impossible, regardless of age.



Institutional Sexual Assault

An employee or agent of a:

- School including teachers/coaches/volunteers
- State or county correctional facility for juveniles & adults
- Personal care/nursing/group homes
- Other licensed residential facility serving children or youth

commits a felony when engaging in sexual activity with anyone receiving services.



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4. **Serious Physical Neglect** was expanded to include *egregious behavior* that may only occur one time, but endangers a child's life or health, well-being or development.
5. **Student Abuse** has been eliminated as a separate and distinct definition of abuse and is now to be reported to ChildLine as with all other definitions of abuse.

Additions to the Definitions of Child Abuse

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

Conduct includes:

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

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

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

DEFINITION OF A PERPETRATOR

- (i) A parent of the child.
- (ii) A **spouse or former spouse*** of the child's parent.
- (iii) A paramour or **former paramour*** of the child's parent.
- (iv) A person 14 years of age or older and responsible for the child's welfare.*
- (v) An individual who is 14 years of age or older who resides in the same home as the child.
- (vi) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.*

***new December 31, 2014**

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



REMEMBER

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

Regardless of whether someone:

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

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



THE REPORTING PROCESS FOR THE MANDATED REPORTER

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

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

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





THE REPORTING PROCESS FOR THE MANDATED REPORTER

PERSONS WHO ARE REQUIRED TO REPORT ABUSE:
MANDATED REPORTERS

A report would be made by:

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

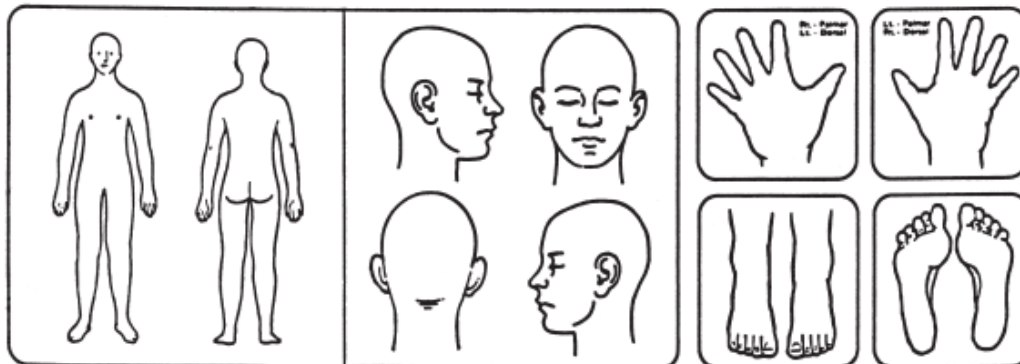
http://www.dhs.state.pa.us/cs/groups/webcontent/documents/form/c_137044.pdf

or

REPORT OF SUSPECTED CHILD ABUSE (CHILD PROTECTIVE SERVICE LAW - TITLE 23 PA CSA CHAPTER 63)

PLEASE REFER TO INSTRUCTIONS ON REVERSE SIDE. EXCEPT FOR SIGNATURE, PLEASE PRINT OR TYPE

1. NAME OF CHILD (Last, First, Initial)		SSN	BIRTHDATE	SEX <input type="checkbox"/> M <input type="checkbox"/> F
ADDRESS (State, City, State & ZIP Code)			COUNTY	
1A. PRESENT LOCATION IF DIFFERENT THAN ABOVE			COUNTY	
2. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Initial)		SSN	BIRTHDATE	TELEPHONE NO.
ADDRESS (City, State & ZIP Code)			COUNTY	
3. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Initial)		SSN	BIRTHDATE	TELEPHONE NO.
ADDRESS (City, State & ZIP Code)			COUNTY	
4. OTHER PERSON RESPONSIBLE FOR CHILD		SSN	BIRTHDATE	RELATIONSHIP TO CHILD
ADDRESS (City, State & ZIP Code)			COUNTY	SEX <input type="checkbox"/> M <input type="checkbox"/> F
5. ALLEGED PERPETRATOR (Last, First, Initial)		SSN	BIRTHDATE	RELATIONSHIP TO CHILD
ADDRESS (City, State & ZIP Code)			COUNTY	SEX <input type="checkbox"/> M <input type="checkbox"/> F
NAME OF ALLEGED PERPETRATOR'S EMPLOYER AND EMPLOYER'S ADDRESS				
6. FAMILY HOUSEHOLD COMPOSITION (Excluding Above Names)				
NAME (Last, First, Initial)	RELATIONSHIP TO CHILD	NAME (Last, First, Initial)	RELATIONSHIP TO CHILD	
A.		D.		
B.		E.		
C.		F.		
ADDRESS WHERE THE SUSPECTED ABUSE OCCURRED			COUNTY	
DESCRIBE THE NATURE AND EXTENT OF THE SUSPECTED CHILD ABUSE, INCLUDING ANY EVIDENCE OF PRIOR ABUSE TO THE CHILD OR ANY SIBLING OF THE CHILD. ALSO INCLUDE ANY EVIDENCE OF PRIOR ABUSE BY THE ALLEGED PERPETRATOR(S) TO OTHER CHILDREN. PLEASE NOTE EXACT LOCATION OF THE INJURY(S) ON MODEL BELOW.			DATE OF INCIDENT	





THE REPORTING PROCESS FOR THE MANDATED REPORTER

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MANDATED REPORTERS

A report would be made by:

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

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

or

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

www.compass.state.pa.us/cwis



STRENGTHENING RESPONSIBILITIES AND IMPROVING THE PROCESS

INCREASED PENALTIES FOR MANDATED REPORTERS WHO “WILLFULLY” FAIL TO REPORT

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

INCREASED PROTECTIONS FOR MANDATED REPORTERS

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

INFORMING THE MANDATED REPORTER

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

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

Background Checks

**Employees, volunteers and foster care parents
who are responsible for the welfare of a child
or
have direct contact with children**

(the care, supervision, guidance or control of children, or routine interaction with children)
are required to submit the FBI*, State Police and
Department of Public Welfare Child Abuse background checks





Background Checks- WHO?

WHO?

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

Definition drives
everything.....

DEFINING PERSON RESPONSIBLE FOR THE CHILD'S WELFARE

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

Added is the following:

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

DEFINING PROGRAM, ACTIVITY OR SERVICE

A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:

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



DEFINING DIRECT CONTACT WITH CHILDREN

§ 6344.2. Volunteers having contact with children.

(a) Applicability.--This section applies to an adult applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children.

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



Background Checks- WHAT?

- These two background checks are required of **EVERY** volunteer:
 - #1 PA State Police Criminal History (\$10)
 - #2 Child Abuse Clearance through Department of Human Services (\$10).
- A 3rd check (FBI clearance w/fingerprinting – approximately \$28) required if volunteer has been a “resident” in another state anytime over the last 10 years. Volunteer has to “swear or affirm” that they are not disqualified due to a conviction or placement on a child abuse registry in another state.

DHS sample Swear and Affirm Statement:

http://www.dpw.state.pa.us/cs/groups/webcontent/documents/document/p_035442.pdf



Background Checks–What bars a person from volunteering?

A person convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state:

Criminal homicide

Aggravated assault

Stalking

Kidnapping

Unlawful restraint

Rape

Statutory sexual assault

Involuntary deviate sexual intercourse

Sexual assault

Felony drug offense committed **within the five-year** period immediately preceding verification under this section

Founded report of child abuse **within last 5 years**

Aggravated indecent assault

Indecent assault

Indecent exposure

Incest

Concealing death of child



Background Checks- Portability & Best Practice

Background checks are portable - a volunteer who has background checks because of paid employment can use those checks (showing the original document) for volunteering.

A person does not need another set of background checks to volunteer (and can use them for multiple volunteer efforts).

If a volunteer is arrested or convicted of a crime (outlined in state law) that limits contact with children or placed on the state child abuse registry, the volunteer must notify the agency where they volunteer within 72 hours.

Volunteer agencies have to have processes in place to record and keep background checks and remember a volunteer's child abuse history information is to remain confidential (so designating limited number of individuals who have access to these files will be important).

Background Checks- WHEN?

New volunteers coming on board at/around July 1, 2015 need to have the checks completed before 7/1/15.

Existing volunteers with older background checks or no existing background checks have until 7/1/16 to get the comprehensive background checks.

Once checks are in place they are required every 36 months.



Background Checks- WHERE?

Pennsylvania State Police Criminal History Check.

Conducted by PSP

<https://epatch.state.pa.us/Home.jsp>

*Can be processed and paid for entirely online

PA Child Abuse Clearance

Conducted through ChildLine

www.compass.state.pa.us/cwis

*Can be processed and paid for entirely online

The FBI fingerprinting

Conducted by Cogent.

<https://www.pa.cogentid.com/index.htm> (select Department of Human Services icon)

*Can be paid for online

This website summarizes the 3:

<http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>

Required Training

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

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

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

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

Trainings approved to meet ACT 31 of 2014:

Network of Victim Assistance
215-343-6543

www.novabucks.org
mandy@novabucks.org

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

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

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

THANK YOU!

Nurture

Protect

Listen to

Speak up

#4PAKids