

A Professional's Guide to Child Abuse



Child Protective Services Law/Act 124

The Child Protective Services Law was enacted in 1975 and is the reporting law for Pennsylvania, which governs the process for referral and evaluation of child abuse. The purpose of the law is to "encourage more complete reporting of suspected child abuse, to involve law enforcement agencies in responding to child abuse and to establish protective services in each county for the purpose of investigating the reports swiftly and competently, proving protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the child's well being and to preserve, stabilize and protect the integrity of family life whenever appropriate.

A. Definitions

CHILD ABUSE:

- Any recent act or failure to act by a perpetrator, which causes non-accidental serious physical injury to a child under 18 years of age.
- An act or failure to act by a perpetrator, which causes non-accidental mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

Serious Physical Injury:

- An injury that causes a child severe pain; or significantly impairs a child's physical functioning temporarily or permanently.

Serious Bodily Injury:

- Bodily injury, which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

Serious Mental Injury:

- A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:
 - ★ Renders a child chronically and severely anxious, agitated depressed, socially withdrawn, psychotic or in reasonable fear that his life or safety is threatened; or
 - ★ Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Sexual Abuse/Sexual Exploitation:

- The employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction of any sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

Imminent risk:

- A specific act or failure to act, by a perpetrator, that results in a reasonable probability that serious physical injury or sexual abuse or sexual exploitation would have occurred during the specific time frames in which the child was exposed to the risk of such abuse.

PERPETRATOR:

- A person who has committed child abuse and is a parent of a child, a person, responsible for the welfare of a child, an individual (14 years and older) residing in the same home as a child or a paramour of a child's parent.
 - ★ A person responsible for the welfare of a child includes: 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 (i.e., babysitters, stepparents, daycare staff, mental health counselors, psychologists, psychiatrists, whether self employed or employed by a public or private facility).

MANDATED REPORTER:

- Persons who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made when they have ***reasonable cause to suspect*** on the basis of their medical, professional or other training and experience, that a child under the care, supervision, guidance, or training of that person or of an agency, institution, organization, or other entity with which that person is affiliated is a victim

of child abuse, including abuse by an individual who is not a perpetrator (under the CPSL).

- Except with respect to confidential communications made to an ordained member of the clergy and an attorney, which are protected by law, the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required by the Child Protective Services Law.
- Mandated Reporters are obligated to report suspected child abuse to ChildLine without regard for the relationship between the alleged abuser and the child.

CONFIDENTIALITY:

- The release of data that would identify the person who made a report of suspected child abuse or person who cooperated in a subsequent investigation is prohibited unless the secretary of the Department of Public Welfare finds that the release will not be detrimental to safety of that person.
- Cases involving homicide, sexual abuse or exploitation, serious bodily injury, or child abuse perpetrated by persons who are not family or household members must be reported to Law Enforcement; Law Enforcement are mandated to treat all reporting sources as confidential informants.

IMMUNITY FROM LIABILITY:

- A person, hospital, institution, school, facility, agency or agency employee that participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse, the taking of photographs or the removal or keeping of a child (by a physician or hospital) pursuant to the Child Protective Services Law, and any official or employee of a county agency who refers a report of suspected abuse to law enforcement authorities or provides services under the Child Protective Services Law,

shall have immunity from civil and criminal liability that might otherwise result by reason of those actions.

PENALTIES FOR FAILURE TO REPORT:

- A person or official required to report a case of suspected child abuse who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.
- Endangering the Welfare of Children: " A parent, guardian, or other person supervising the welfare of a child under 18 years of age, or a **person that employs or supervises** such a person commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support". The offense also includes circumstances where a person in an official capacity, **prevents or interferes** with the making of a report of suspected child abuse. Persons supervising the welfare of a child are defined as a person other than a parent or guardian that provides care, education, training or control of a child.

B. When to Report:

Once a mandated reporter has reasonable cause to suspect that a child coming before him/her is an abused child, the mandated reporter is obligated to make a telephone referral to Childline, the State-Wide hotline and Child Abuse Registry located in Harrisburg, PA the toll free number is **1 (800) 932-0313**.

In addition to contacting Childline, the mandated reporter is also strongly encouraged to initiate a direct telephone referral to the local Children and Youth Services when possible, Crawford County Children and Youth Services Agency can be contacted 8:30am-4:30pm Monday -Friday, at **(814) 724-8380 or 1 (877) 334-8793**.

Emergency situations can be referred to the on call worker if the agency is closed. There is an on call worker available at all times when the agency is closed. You contact the on call worker by contacting 911

and asking to speak to the *CYS* on call worker. Staff members are available 24hrs a day to evaluate child abuse situations.

Other Referrals:

There may be situations where intervention by a protective service agency is indicated although the abuse/neglect alleged does not meet the criteria set forth by the *Child Protective Services Law*. When this occurs, reports are encouraged and may be made directly to the local *Children and Youth Services Agency*. A determination will then be made regarding the appropriateness of the evaluation and the provision of services. In any situation where the reporting person has doubts or questions about referring the case, he/she may call the local *Children and Youth Agency* for consultation. This may clarify the decision as to whether the case should be reported to *Childline* and/or the *Agency*.