

Mandated Reporters

Anyone may report suspected abuse; mandated reporters are those people who are required by law to report suspected child abuse. Mandated reporters are held to a higher standard of responsibility and may receive serious consequences for not reporting suspected abuse. Pennsylvania's Child Protective Services Law (CPSL) was amended in 2014, including substantial changes to the list of people who are mandated reporters. **Effective December 31, 2014, people in these positions are mandated 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, District Attorney, 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; and
- An independent contractor who has direct contact with children.
- An attorney affiliated with an agency, institution, organization or other entity that is responsible for the care, supervision, guidance or control of children.
- A foster parent.

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

- They have contact with the child as part of work or through a regularly scheduled program activity or service OR
- They are responsible for the child or work for an agency that is directly responsible for the child OR
- Someone makes a specific disclosure to the mandated reporter and the child is identifiable. This includes children that the mandated reporter may not know through their work or volunteer position OR

- A person 14 years old or older makes a disclosure that he/she has committed child abuse. This includes children that the mandated reporter may not know through their work or volunteer position.

The child does NOT have to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

Mandated reporters must not try to determine whether abuse has happened. They are not investigators and should not ask questions about what happened, who did it, and so forth beyond reaching the threshold of reasonable cause to suspect that the child has been abused.

Child Abuse and Neglect:

Child abuse is defined as when an individual acts or fails to prevent something that causes serious harm to a child under the age of 18. This harm can take many forms, such as serious physical injury, serious mental injury, or sexual abuse or exploitation.

Pennsylvania's definition of child abuse has changed as a result of recent amendments to our Child Protective Services Law (CPSL). Effective December 31, 2014, the expanded definition of child abuse lowers the standard of what will be considered child abuse under CPSL.

The definition of child abuse has been amended to require that acts or failures to act be committed **intentionally, knowingly or recklessly**.

Child abuse has been redefined to:

- Lower the threshold from serious physical injury to bodily injury which requires impairment of a physical condition or substantial pain rather than severe pain or lasting impairment.
- Include behaviors that result in exposing children to potentially harmful medical evaluations or treatment such as fabricating, feigning or inducing a medical symptom or disease (Munchausen Syndrome by Proxy).
- Lower the threshold for serious mental injury to include causing or substantially contributing to the injury through any act or failure to act or series of such acts or failures to act.

The former category of imminent risk has been clarified to include:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child;
- Unreasonably restraining or confining a child;
- Forcefully shaking, slapping or otherwise striking a child under one year of age;
- Interfering with the breathing of a child;
- Causing the child to be present at a methamphetamine lab, provided there is a law enforcement investigation occurring;
- Knowingly leaving a child unsupervised with an individual, other than the child's parent, who is required to register as a sexual offender, sexually violent predator or sexually violent delinquent. This also includes individuals who the parent reasonably should have known were required to register in one of the categories above.

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

Serious physical neglect was expanded to include egregious behavior, meaning situations when the behavior might have only occurred one time, but is bizarre or unimaginable and created one of the circumstances that would fall under this category of abuse.

The definition of sexual abuse is unchanged with the exception that consensual activities between two children, ages 14-18 are excluded as sexual abuse unless any of the following, which involve the use of force or coercion, were committed: Rape; Statutory sexual assault; Involuntary deviate sexual intercourse; Sexual assault; Institutional sexual assault; Aggravated indecent assault; Indecent assault; Indecent exposure; Incest; Prostitution; Sexual abuse; Unlawful contact with a minor; or Sexual exploitation.