



Child Protection Legislation

- Strengthens our ability to better protect children from abuse and neglect by amending the definitions of child abuse and perpetrator;
- Streamlines and clarifies mandatory child abuse reporting processes;
- Increases penalties for failure to report suspected child abuse and protect persons who report child abuse;

- Promotes the use of multi-disciplinary investigative teams (MDITs) to investigate child abuse related crimes; and
- Supports the use of information technology to increase efficiency and tracking of child abuse data.

- The definition of child abuse has been amended to require that acts or failures to act be committed **intentionally**, **knowingly** or **recklessly**.
 - A person acts **knowingly** when they are aware that their conduct is of that nature or that such circumstances exist and they are aware that it is practically certain that their conduct will cause such a result.
 - A person acts **recklessly** when they consciously disregard a substantial and unjustifiable risk that the material element exists or will result from their conduct. The risk must be of such a nature and degree that, considering the nature and intent of the conduct and the circumstances known to them, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the situation.
 - A person acts **intentionally** when they consciously engage in conduct of that nature or cause such a result and are aware of such circumstances or believe or hope that they exist.

- Serious physical neglect was expanded to include egregious behavior which would include situations when the behavior might have only occurred one time. Previously there had to be prolonged or repeated behavior.

- The definition of sexual abuse is unchanged with the exception that **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 are excluded as sexual abuse unless any of the following 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.

- 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/Factitious Disorder).
 - 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.

- Clarifies the former category of imminent risk to include:
 - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child;
 - Unreasonably restraining or confining a child based on the method, location or duration;
 - 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 whom the parent reasonably should have known was required to register in one of the categories above.
- Causing the death of a child through any act or failure to act regardless of when it occurred.

CPSL Definitions – Perpetrator



- Broadens the definition of perpetrator and clarifies acts of abuse versus failures to act:
 - Acts of Abuse:
 - Maintains parents of any age;
 - Includes a spouse, paramour, or former spouse or former paramour of the child's parent;
 - Raises the age to 14 years of age or older for a person who is responsible for the child's welfare and includes a person having direct contact with children as an employee of child-care services, a school or through a program, activity or service;
 - Specifies that this term includes any person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit or religious or other not-for-profit organization such as:
 - » Camps;
 - » Athletic programs;
 - » Enrichment programs; or
 - » Troops, clubs or similar organizations.
 - School employees and independent contractors are now included as persons responsible for a child's welfare;
 - Maintains that an individual residing in the same home as the child must be 14 years of age or older to be considered a perpetrator for consistency with persons responsible for a child; and
 - Includes an individual 18 years of age or older who does not reside in the same home as the child and is related within the third degree of blood, marriage or adoption to the child.

Amended § 6303 (relating to definitions) to include the following terms and definitions:

- **Adult:** an individual 18 years or older.
- **Direct contact with children:** the care, supervision, guidance or control of children, or routine interaction with children.
- **Health care facility:** as defined in Section 802.1 of the Act of July 19, 1979 (P.L.130, No. 48), known as the Health Care Facilities Act.
- **Independent contractor:** an individual who provides a program, activity or service to 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. The term does not include an individual who has no direct contact with children.
- **Mandated Reporter:** a person who is required by this chapter to make a report of suspected child abuse.
- **Person affiliated with:** a person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person.
- **Program, activity or service:** any of the following in which children participate and which is sponsored by a school or a public or private organization:
 - A youth camp or program;
 - A recreational camp or program;
 - A sports or athletic program;
 - A community or social outreach program;
 - An enrichment or educational program; and
 - A troop, club or similar organization
- **Routine Interaction:** regular and repeated contact that is integral to a person's employment and volunteer responsibilities.

- **School:** a facility providing elementary, secondary or postsecondary educational services. The term includes the following:
 - Any school of a school district;
 - An area vocational-technical school;
 - A joint school;
 - An intermediate unit;
 - A charter school or regional charter school;
 - A cyber charter school;
 - A private school licensed under the Act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act;
 - A private school accredited by an accrediting association approved by the State Board of Education;
 - A nonpublic school;
 - An institution of higher education
 - A private school licensed under the Act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.
 - The Hiram G. Andrews Center and
 - A private residential rehabilitative institution as defined in Section 914.1-A(C) of the Public School Code of 1949.

- **School employee:** an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term excludes does not apply to administrative or other support personnel unless the administrative or other support personnel has direct contact with children.

- Amended §6311 (A) (relating to mandated reporters) to specify who is a mandated reporter including:
 - 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;

Mandated Reporters



- 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;
- 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 employment;
- An independent contractor;
- A foster parent; and
- 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 the department under Articles IX and X of the Public Welfare Code.

- Amended § 6311 (relating to persons required to report suspected child abuse) by adding attorney's 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.
- Added § 6311.1 (relating to privileged communications) to state that subject to subsection (B), the privileged communications between a mandated reporter and a patient or client of the mandated reporter shall not:
 - Apply to a situation involving child abuse.
 - Relieve the mandated reporter of the duty to make a report of suspected child abuse.
- Subsection (B) (relating to confidential communications) states that the following protections shall apply:
 - Confidential communications made to a member of the clergy are protected under 42 PA.C.S. § 5943 (relating to confidential communications to clergymen).
 - Confidential communications made to an attorney are protected so long as they are within the scope of 42 PA.C.C. § 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.

Effective December 31, 2014.

- Amended Subsection (B) (relating to basis to report child abuse) to clarify the situation under which a mandated reporter is required to make a report of suspected child abuse if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:
 - 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;
 - 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;
 - A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse; or
 - An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
- Clarifies reports are made directly to ChildLine by Mandated Reporters by deleting “cause a report to be made.”
- Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

- Amended § 6311 (C) (relating to staff members of institutions, etc.) to require persons required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, to report immediately in accordance with § 6313 and 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). This chapter does not require more than one report from any such institution, school, facility or agency.
- Amended § 6346 (relating to will failure to cooperate) to increase the penalties for willful failure to cooperate with the department or a county agency when investigating a report of suspected child abuse to a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for subsequent violation.
- Repealed Subchapter C.1 relating to student abuse

Effective December 31, 2014

Mandated Reporters



- Amended §6312 (relating to persons encouraged to report suspected child abuse) to clarify that any person may make an oral or written report of suspected child abuse, which may be submitted electronically, or cause a report of suspected child abuse to be made to the department, county agency or law enforcement if that person has reasonable cause to suspect that a child is a victim of child abuse.
- Amended §6313 (a) (relating to report by mandated reporter) to clarify that a mandated reporter:
 - Shall immediately make an oral report of suspected child abuse to the department via the statewide toll-free telephone number under Section 6332 (relating to establishment of statewide toll-free telephone number) or a written report using electronic technologies under Section 6305 (relating to electronic reporting).
 - Making an oral report of suspected child abuse shall also make a written report, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case in a manner and format prescribed by the department.
 - The failure of the mandated reporter to file the report under paragraph (2) shall not relieve the county agency from any duty under this chapter, and the county agency shall proceed as though the mandated reporter complied with paragraph (2).

- Amended §6313 (b) (relating to contents of a report) to state that a written report of suspected child abuse, which may be submitted electronically, shall also include the following additional information, if known:
 - The name, telephone number and email address of the person making the report.
 - The actions taken by the person making the report, including those actions taken under sections 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).
 - Any other information required by Federal law or regulation.
- Added §6313 (e) to confirm that a Mandated Reporter who makes a report of suspected child abuse or crime against a child is not in violation of the Mental Health Procedures Act.

- Amended §6314 (relating to photographs, medical tests and x-rays) to require information to be sent to the county agency at the time the written report is sent or within **48 hours after the report is made by electronic technologies**. This section also allows for this information to be made available to law enforcement officials in the course of investigating cases pursuant to section 6340(a)(9) or (10).

Failure to Report



- Amended § 6319 (relating to penalties) at:
 - Subsection (A) (relating to failure to report or refer) to increase the penalties for failure to report or refer a case of suspected child abuse to a felony of the third degree if:
 - The person or official willfully fails to report;
 - The child abuse constitutes a felony of the first degree or higher; and
 - The person or official has direct knowledge of the nature of the abuse.
 - An offense not otherwise specified in (A) is a misdemeanor of the second degree.
 - 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 the department, 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 this chapter.

Failure to Report



- Subsection (B) (relating to continuing course of action) to state if a person's willful failure under subsection (A) continues while the person knows or has reasonable cause to believe the child is actively being subjected to child abuse, the person commits a misdemeanor of the first degree, except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the third degree.
- Subsection (C) (relating to multiple offenses) to state that a person who commits a second or subsequent offense under Subsection (A) 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.
- Subsection (D) (relating to statute of limitations) to state that the statute of limitations for an offense under Subsection (A) shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater.

Effective June 14, 2014

- Deleted § 6311 (D) removing current provisions (relating to civil actions for discrimination against a person filing a report);
- Added § 6320 (relating to protection from employment discrimination);
 - Permits a person to commence an action for appropriate relief if all of the following apply:
 - The person is required to report under § 6311 or encouraged to report under § 6312;
 - The person acted in good faith in making or causing the report of suspected child abuse to be made; and
 - The person is discharged from employment or is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment as a result of making the report of suspected child abuse.

- These protections do not apply to an individual:
 - Making the report who is found to be a perpetrator of child abuse because of the report; or
 - Who fails to make a report of suspected child abuse required under 6311 and is subject to conviction under 6319 for failure to report or refer.
- Actions must be filed in the court of common pleas of the county where the alleged unlawful discharge or discrimination occurred.
- When the court finds in favor of the plaintiff, the court may grant appropriate relief which may include reinstatement of the plaintiff with back pay.
 - The Department may intervene in an action commenced under this section.

Effective December 31, 2014

- Amends §6383 by adding subsection (d) (relating to definitions): The following definitions apply to this section.
 - Direct contact with children – The care, supervision, guidance or control of children or routine interaction with children.
 - Operator – An executive or facility director. The term does not include a person who is not involved in managerial decisions related to the provision of services for or care of children with regard to any of the following:
 - Personnel;
 - Policy and procedures;
 - Regulatory compliance;
 - Services related to the general or medical care of children;
 - Supervision of children; or
 - Safety of children.

- Amended §6383 (b) (relating to duties of department of state) to:
 - Require each licensing board with jurisdiction over professional licensees identified as mandated reports under this chapter to:
 - Require all persons **applying for a license or certification** issued by the licensing board to submit documentation acceptable to the licensing board of completion of at least **three** hours of approved child abuse recognition and reporting training.
 - The training must address, but is not limited to:
 - Recognition of the signs of child abuse; and
 - The reporting requirements for suspected child abuse.
 - These trainings must be approved by the Department and may occur as part of the continuing education requirement of the license.

- Require all persons **applying for the renewal of a license or certification** issued by the licensing board to submit documentation acceptable to the licensing board of completion of at least **two** hours of approved continuing education per licensure cycle.
 - The training must address, but is not limited to:
 - Recognition of the signs of child abuse; and
 - The reporting requirements for suspected child abuse.
 - Continuing education curricula shall be approved by the licensing board, in consultation with the Department.
 - The two hours of continuing education on child abuse recognition and reporting shall be completed as a portion of the total continuing education required for biennial license renewal.

Mandated Reporter Training (§ 6383)



- Permit a licensing board with jurisdiction over professional licensees who are mandated reporters under this chapter to exempt an applicant or licensee from the training or continuing education required if all of the following apply:
 - The applicant or licensee submits acceptable documentation that the person has already completed child abuse recognition training which was required under § 1205.6 of the Public School Code or required under the Public Welfare Code and these trainings were approved by the department; and
 - The amount of the training received equals or exceeds the amount of training required above.
- Require a licensing board to provide professional licensees identified as mandated reporters within information related to mandatory child abuse reporting as part of the biennial renewal of the license.
- Permit a professional licensee identified as a mandated reporter to apply to the licensing board for an exemption from the training or continuing education requirement and the licensing board to approve the exemption upon submission of acceptable documentation that the licensee should not be subject to these training or continuing education requirements.

Mandated Reporter Training (§ 6383)



- Amended § 6383 to add subsection (c) (relating to training of persons subject to department regulation) to require certain persons to receive child abuse recognition and reporting training including:
 - Operators of institutions, facilities or agencies which care for children and are subject to supervision by the department under **article IX** of the Public Welfare Code, and their employees who have direct contact with children;
 - Foster parents;
 - Operators of institutions, facilities or agencies which care for children and are subject to supervision by the department under **article X** of the Public Welfare Code, and their employees who have direct contact with children;
 - Adult family members who are responsible for the child's welfare and is providing services to a child in a family living home, a community home for individuals with an intellectual disability or a host home which are subject to supervision or licensure by the department under **articles IX and X** of the Public Welfare Code; and
 - Caregivers in Family Child-Care homes which are subject to licensure by the department under **article X** of the Public Welfare Code and their employees who have direct contact with children.

Mandated Reporter Training (§ 6383)



- **Effective December 31, 2104, new employees and new foster parents** shall receive **3** hours of training within 90 days of hire or approval and **3** hours of training every five years thereafter.
- **Effective December 31, 2014**, prospective operators of child-serving institutions, facilities or agencies, family child-care homes and adult family members who are responsible for the child's welfare and are providing services to a child in a family living home, a community home for individuals with an intellectual disability or a host home which are subject to supervision or licensure must receive **3** hours of training **prior** to the issuance of a license or approval and three hours of training every five years thereafter.
- Beginning July 1, 2015, the following must receive **3** hours of training prior to the re-issuance of a license or approval and three hours of training every five years thereafter:
 - **Current operators;**
 - **Current employees having direct contact with children;**
 - **Current caregivers and employees in family child-care homes;**
 - **Current adult family members who are responsible for the child's welfare and are providing services to a child in a family living home, a community home for individuals with an intellectual disability or a host home; and**
 - **Current foster parents.**

- Training curriculum must be approved by the department and must address, but not be limited to, the following:
 - Recognition of the signs of abuse;
 - Reporting requirement for suspected abuse in the commonwealth and
 - For institutions, facilities and agencies their policies related to reporting of suspected child abuse.
- Persons may be exempted from these training requirements if all of the following apply:
 - The person provides documentation that they have already completed child abuse recognition and reporting training;
 - The training was:
 - Required under § 1205.6 of the Public School Code or required these trainings were approved by the department; or
 - Required under the Child Protective Services Law and the training was approved by the department; and
 - The amount of the training received equals or exceeds the amount of training required above.

Effective December 31, 2014

- Amended § 6340 (relating to release of information in confidential reports) to align language with other statutory amendments and language and added at (13) to require the department to notify school administrators and child care service employers of the following:
 - If the alleged perpetrator is a school employee or child care service employee, school administrators and child care service employers shall receive notice of a pending allegation and the final status of the report following the investigation as to whether the report is indicated, founded or unfounded.
 - Information disclosed pursuant to this paragraph shall be provided to the school administrator or child care service employer within 10 days of the completion of the investigation.
 - If the perpetrator is a school employee, the notice of the final status of the report shall be sent to the department of education within 10 days of the completion of the investigation.
 - Amended Subsection (C) (relating to protecting identity) to allow for release of data that would identify the person who made a report of suspected child abuse or who cooperated in a subsequent investigation in response to a law enforcement official investigating allegations of false reports of child abuse under 18 Pa.C.S. § 4906.1 while also clarifying that the release of the identity of any reporter or any person who cooperated with the investigation is prohibited by the **Department, county, institution, school, facility or agency or their designated agent.**

Certifications (§ 6344)



- Adds employees 14 years of age or older applying for or holding a paid position in a program, activity or service that is responsible for the child's welfare or has direct contact with children.
- Adds 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, as well as adults residing in the home for at least 30 days in a calendar year.
 - Excludes an individual with an intellectual disability or chronic psychiatric disability receiving services in the home.
- Ensures consistent certification requirement for all child-care providers.
- Amends FBI clearance language to comply with federal law, no change operationally.
- Amended § 6344 (b)(2) (relating to information relating to prospective child-care personnel) for a certification from the department to state whether the applicant is named in the statewide database as the alleged perpetrator in a pending child abuse investigation.
- Added (H.1) (relating to form of payment) has been added to allow for payments for Pennsylvania Child Abuse Registry Checks to me made by check, money order, credit card or debit card.

Certifications (§ 6344)



- School employees
 - Governed by Public School Code must get ChildLine certifications.
- Programs, activities or services operating an internship, externship, work-study, co-op or similar program with a school:
 - Only the person identified as the child’s supervisor who is responsible for their welfare must obtain certifications.
 - The supervisor is required to be in the immediate vicinity at regular intervals with the child during the program.
 - Immediate vicinity is defined as an area in which the individual can see, hear, direct and assess the activities of the child.
 - PDE is developing guidance related to “regular intervals”.

- An individual between 14 and 17 years of age who applies for or holds a paid position as an employee who is a person responsible for the child's welfare or a person with direct contact with children through a program, activity or service prior to the commencement of employment or under section 6344.4 (relating to recertification) shall be required to submit only the information under subsection (b)(1) and (2) to an employer, administrator, supervisor or other person responsible for employment decisions, if the following apply:
 - (1) The individual has been a resident of this Commonwealth during the entirety of the previous 10-year period or, if not a resident of this Commonwealth during the entirety of the previous 10-year period, has received certification under subsection (b)(3) at any time since establishing residency in this Commonwealth and provides a copy of the certification to the employer.
 - (2) The individual and the individual's parent or legal guardian swears or affirms in writing that the individual is not disqualified from service under subsection (c) or has not been convicted of an offense similar in nature to those crimes listed in subsection (c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

- Certification requirements shall not apply to an employee of an institution of higher education whose direct contact with children, in the course of employment, is limited to:
 - prospective students visiting a campus operated by the institution of higher education; or
 - matriculated students who are enrolled with the institution.

THE EXEMPTION ABOVE SHALL NOT APPLY TO STUDENTS WHO ARE ENROLLED IN A SECONDARY SCHOOL.

An individual in possession of a nonimmigrant visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J) (relating to definitions) to an exchange visitor, commonly referred to as a "J-1" Visa, shall not be required to submit certifications if all of the following apply:

- The individual is applying for or holds a paid position with a program, activity or service for a period not to exceed a total of 90 days in a calendar year.
- The individual has not been employed previously in this Commonwealth or another state, the District of Columbia or the Commonwealth of Puerto Rico.
- The individual swears or affirms in writing that the individual is not disqualified from service under subsection (c) or has not been convicted of an offense similar in nature to the crimes listed under subsection (c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

- Employees must report changes in certification status within 72 hours
 - Failure to submit the required information could result in:
 - Misdemeanor of the third degree; and/or
 - Discipline up to and including termination or denial of employment
- Persons responsible for employment decisions who have a reasonable belief that an employee:
 - was arrested or convicted of an offense that would deny employment; or
 - named as a perpetrator in an indicated or founded report:
 - must immediately require the employee to obtain a certification
 - cost of certification is borne by the employing entity
- Deleted grandfathering clause if hired prior to 2008

- Foster parents and prospective adoptive parents must report changes in certification status within 72 hours related to themselves and individuals over 18 years of age residing in the home
 - Previously reported within 48 hours
- Removal of foster child or children in accordance with Pennsylvania Rules of Juvenile Court Procedure:
 - Change in household composition where the person has a clearance that prohibits approval
 - Failure of foster parent to submit required information
- Clearances for foster parents must be renewed every 60 months
 - Previously 24 months

- Individuals over 18 years of age residing in a family living home, a community home for individuals with an intellectual disability or a host home for children subject to supervision by the department must provide the agency with written notice of changes in certification status within 72 hours.
- Adult family members providing services to a child are required to report any other changes in the household composition within 30 days for review by the agency.
- If any individual over 18 years of age, who has resided outside of the Commonwealth at any time within the previous five-year period, begins residing in the home, they must, within 30 days of beginning residence, submit certifications from the Statewide database, or its equivalent in each state in which they resided within the five-year period, as to whether they are named as a perpetrator.
 - If certification shows they are named as a perpetrator in the previous five-year period, the agency shall submit the certification to the department of review.
- This section does not apply to an individual with an intellectual disability or chronic psychiatric disability residing in the home.

- An employer is prohibited from accepting a certification that was obtained for volunteering purposes.
- If an individual's certifications are current under section 6344.4 (relating to recertification) and the individual completes an affirmation, the individual may use the certifications as follows:
 - (i) to apply for employment as identified in section 6344 (relating to employees having contact with children; adoptive and foster parents);
 - (ii) to serve as an employee as identified in section 6344;
 - (iii) to apply as a volunteer under section 6344.2 (relating to volunteers having contact with children); and
 - (iv) to serve as a volunteer under section 6344.2.
- Prior to commencing employment or service, an individual must swear or affirm in writing that the individual has not been disqualified from employment or service under section 6344(c) or has not been convicted of an offense similar in nature to a crime listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.
- An employer, administrator, supervisor, other person responsible for employment decisions or other person responsible for the selection of volunteers shall make a determination of employment or volunteer matters based on a review of the information required under section 6344(b) prior to employment or acceptance to service in any such capacity and must maintain a copy of the required information.

- Clarifies that a prospective foster or adoptive home can not be approved if a household member over 18 years of age is disqualified
 - Increases age from 14 for consistency
- Required documents must be produced prior to employment and a copy maintained by the hiring/approving entity
 - except for 90 day provisional hiring period
- Failure to require the applicant to submit documentation prior to employment results in a misdemeanor of the third degree
- If PSP, ChildLine or FBI clearances reveal the applicant is disqualified from employment or approval, the applicant shall be immediately dismissed from:
 - Employment
 - Approval

- Employees and Foster Parents
 - If certifications were issued prior to December 31, 2014 and are less than 60 months old – 60 months from the date of their oldest certification
 - If clearances were issued prior to December 31, 2014 and are more than 60 months old – by December 31, 2015
 - If no certifications were issued – by December 31, 2015

Clearances for Volunteers (§ 6344.2)



- Clearance requirement begins August 25, 2015 and must be renewed every 60 months:
 - Adult volunteers
 - Responsible for the welfare of children; or
 - Direct volunteer contact with children (care, supervision, guidance or control to children **AND** routine interaction)
- Must obtain PSP and ChildLine certifications
- FBI not required as long as:
 - Position is unpaid
 - PA resident continuously for the past 10 years
 - Signs a disclaimer affirming no charges in other states that would prohibit selection as a volunteer
- If a volunteer has not been a resident of Pennsylvania for the past 10 years, but obtained their FBI certification at any time since establishing residency, they must provide a copy of the certification to the person responsible for the selection of volunteers and they are not required to obtain any additional FBI certifications.

Students who volunteer are not required to obtain certifications as long as they meet all of the following requirements:

- (i) the individual is currently enrolled in a school.
- (ii) the individual is not a person responsible for the child's welfare.
- (iii) the individual is volunteering for an event that occurs on school grounds.
- (iv) the event is sponsored by the school in which the individual is enrolled as a student.
- (v) the event is not for children who are in the care of a child-care service.

In order for the fee to be waived for the Child Abuse and PSP certifications. The following conditions must be met:

- (1) The background certifications are necessary to comply with the certification requirements as outlined in the Child Protective Services Law.
- (2) The background certifications may not be used, and shall not be valid, to satisfy the requirements for employment under section 6344(b) or any other law for which a similar background check may be required.
- (3) Background certifications shall only be provided free of charge to a volunteer once every 57 months.
- (4) The volunteer swears or affirms, in writing, under penalty of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), the following:
 - (i) The background certifications are necessary to satisfy the requirements under subsection (b).
 - (ii) The volunteer has not received background certifications free of charge within the previous 57 months.
 - (iii) The volunteer understands that the certifications shall not be valid or used for any other purpose.

- Volunteers must report changes in certification status within 72 hours
 - Failure to submit the required information could result in:
 - Misdemeanor of the third degree; and/or
 - Discipline up to and including termination or denial of volunteer position
- Persons responsible for administration of a program, activity or service who has a reasonable belief that a volunteer
 - was arrested or convicted of an offense that would deny participation in a program, activity or service; or
 - named as a perpetrator in an indicated or founded report:
 - must immediately require the volunteer to obtain a certification
 - Cost of certification is borne by the program, activity or service

- Volunteers
 - If certifications were issued prior to August, 25 2015 and are less than 60 months old – 60 months from the date of their oldest certification
 - If certifications were issued prior to August 25, 2015 and are more than 60 months old – by July 1, 2016.
 - If no certifications were issued – by July 1, 2016

- Nothing interferes with the ability of an employer, or administrator of a program, activity or service to make employment, discipline or termination decisions or establishing additional standards
- Apply same prohibitive approval criteria as employees
- 30 day provisional period for non-resident volunteers
 - Total of 30 days in a calendar year

- DPW, PCCD and PDE must conduct a study to analyze and make recommendations on employment bans and an appeals process by December 31, 2015

Effective immediately

Signs of Child Abuse

To identify signs of child abuse and neglect, please visit childwelfare.gov



To report suspected child abuse go to www.compass.state.pa.us/cwis or call 1-800-932-0313.

Keep Kids Safe PA Home

Training for Mandated Reporters

Forms

Clearances

Laws

Supporting Documents

CPSL Implementation Team

Safe Haven Law

Task Force on Child Protection

Keep Kids Safe PA

Protecting Pennsylvania's children from abuse and neglect is a shared responsibility. It requires collaboration from the formal child protective services system, community partners and our citizens to provide local safety nets for children and families that are facing challenges within our communities and neighborhoods.

Recently, 23 pieces of legislation were enacted, changing how Pennsylvania responds to child abuse. These changes significantly impact the reporting, investigation, assessment, prosecution and judicial handling of child abuse and neglect cases.

These changes:

- Strengthen our ability to better protect children from abuse and neglect by amending the definitions of child abuse and perpetrator;
- Streamline and clarify mandatory child abuse reporting processes;
- Increase penalties for failure to report suspected child abuse and protect persons who report child abuse;
- Promote the use of multi-disciplinary investigative teams (MDITs) to investigate child abuse related crimes and
- Support the use of information technology to increase efficiency and tracking of child abuse data.

Who needs child abuse clearances?

****New reduced/waived fee info included ****

Submit your Child Abuse History Clearance online:
[Child Welfare Portal](#)

This website, KeepKidsSafe.pa.gov, is designed to serve as the hub for information related to critical components impacting child protection including a link for mandated reporters to make reports of suspected child abuse electronically, training on child abuse recognition and reporting, information related to clearances and general information related to child protection.

Frequently Asked Questions: (Click on a question for more information)

What is child abuse?

Are you a mandated reporter?

When must a mandated reporter make a report?

Must I report suspected abuse if I learn of the abuse from someone other than the child who was allegedly abused?



pennsylvania

CHILD WELFARE INFORMATION SOLUTION

If the child you would like to report on is in immediate danger, please call 911 immediately.

WELCOME TO THE

Child Welfare Portal

Our service provides a means for mandated reporters to report child abuse in Pennsylvania and for users to apply for a PA Child Abuse History Clearance online.

[CREATE A NEW ACCOUNT](#) or [LOGIN](#)



www.dhs.state.pa.us

www.dpw.state.pa.us



Resources



www.KeepKidsSafe.Pa.gov – DHS website for information related to child protection

www.compass.state.pa.us/cwis - website for electronic reporting of suspected child abuse by mandated reporters and for electronic application and payment of child abuse certifications

www.reportabusepa.pitt.edu – free, online child abuse recognition and reporting training

1-800-932-0313 – Child Abuse Hotline