# Application Overview

The Pennsylvania Department of Human Services (DHS) supports child abuse recognition and reporting training through a variety of delivery methods, including web-based and in-person. These guidelines are to be used when developing a new and/or submitting a revised child abuse recognition and reporting training curriculum for DHS review/approval. Please note, we are primarily reviewing/approving content related to the [Pennsylvania Child Protective Services Law (CPSL), 23 Pa.C.S. Chapter 63 (relating to child protective services)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272) as outlined throughout this document and ensuring any other content included in a curriculum aligns/does not conflict with the PA CPSL.

* Your curriculum must include, at a minimum, the content outlined on the following pages – unless otherwise specified – and be submitted in a format described under “Submission Procedures” on the next page. For guidance on creating a presentation of the required content, including helpful suggestions for additional content, please reference our “Presentation Template“. You must also include the following in your submission:

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| [ ]  | All training-related materials, including but not limited to a general outline of your training, handouts, narrated script or talking points, PowerPoint presentation and associated note pages, interactive activities, exercises, videos, etc. |
| [ ]  | Learning objectives (should cover the “Key Takeaways” outlined on the last page of this document and be worded in a way that reflects what the audience will learn) |
| [ ]  | Citation of sources, including permission to use copyrighted material |
| [ ]  | Anticipated credentials and/or experience level of presenter or biography of presenter, if known. |
| [ ]  | Any printed materials used to market the training |
| [ ]  | Evaluation assessing participant satisfaction with the training presentation |
| [ ]  | Documentation of attendance and training completion (e.g. Certification of Completion), which must include: |
|  | [ ]  Title of training[ ]  Date of training[ ]  Length of training (# hours) | [ ]  Name of presenter and signature[ ]  Statement affirming the participant attended the entire length of training[ ]  Course number (if applicable) |

* The information immediately below must be clearly indicated at the time of submission. Before final approval, you will be asked to confirm this information. If any of your information changes at any time after receiving approval, please inform DHS via email, at RA-PWOCYFCPSL@pa.gov.

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| **For Internal Use:**Information will be maintained in DHS internal records for future reference. |
| Course Lead(s): | [primary contact person(s) for the course, including email address(es)] |
| Presenter(s): |  |
| Mailing Address(es): |  |
| **For External/Public Use:**Information will be posted on DHS’s approved provider list on DHS’s [Keep Kids Safe website](https://www.dhs.pa.gov/KeepKidsSafe/Pages/Trainings.aspx). |
| Provider Name: |  |
| Contact Info: | [e.g., email address, phone number, website link] |
| Training Title: |  |
| # Credit Hours: | [2 or 3] |
| Method(s) of Delivery: | [e.g., in person, online, self-study…if online, include hyperlink] |
| Target Audience: |  |
| Additional Approvals: | [DOS and/or PDE; see “Additional (Optional) Approvals” on next page] |

**Submission Procedures**

* Please submit your curriculum and associated materials, including a completed copy of this document with the page/slide numbers for each section clearly identified, to DHS via email: RA-PWOCYFCPSL@pa.gov. We ask that this document be filled out electronically via Microsoft Word and that it be provided as a Word document. We ask that curriculum materials be provided as a Word document or PowerPoint presentation. If a file is too large to send as an attachment via email, you may provide it via a Microsoft OneDrive shared link. If you require technical assistance, please contact DHS via email prior to submitting.
* DHS will acknowledge receipt of your submission via email within five (5) business days of receiving it. Curricula are reviewed in the order they are received. We ask that you allow at least one (1) month for the assigned reviewer to complete their initial review as the standards for approval are very specific. Due to such standards, it is not uncommon for a curriculum to require various revisions. **NOTE**: If you are submitting a revised, previously approved curriculum and/or are requesting additional approval(s) from the Pennsylvania Department of State (DOS) and/or the Pennsylvania Department of Education (PDE) within two (2) years of receiving DHS approval, DHS reserves the right to initiate an up-to-date comprehensive review of your curriculum and all associated materials as well as request revisions. Additionally, in an effort to promote accuracy and timeliness, submissions without returned contact after three (3) attempts during any part of the review period will be closed out and asked to be resubmitted.
* Upon successful completion of the assigned reviewer’s requested revisions, your curriculum will be forwarded to the DHS Lead Reviewer who reserves the right to request additional revisions. Upon successful completion of the DHS Lead Reviewer’s requested revisions, you will be asked to confirm general information related to your course (see table on the previous page of this document) and whether you are seeking additional/separate (optional) approval(s) from DOS and/or PDE as described below. Formal approval of a new curriculum will be provided in the form of a letter via an email attachment. Formal approval of a revised previously approved curriculum will be provided in the form of an email.

**Additional (Optional) Approvals**

***Department of State (DOS)***

[*https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Pages/Act-31.aspx*](https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Pages/Act-31.aspx)

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| [ ]  | * All persons applying for renewal of license or certification issued by a DOS licensing board with jurisdiction over professional licensees identified as mandated reporters under section 6311(a) of the CPSL (all health-related licensees and funeral directors) must complete at least two (2) hours of DHS/DOS**-**approved continuing education (CE) in child abuse recognition and reporting per licensure cycle as a portion of the total CE required for biennial license renewal. If you wish to offer CE credit, you must identify the ability to report CE credits by participant electronically. This information may be sent in an Excel spreadsheet or other similar format in accordance with [Pennsylvania Department of State Child Abuse Training Vendor Process](https://www.dhs.pa.gov/KeepKidsSafe/Documents/KKS_Training%20Providers%20Process.pdf) + [Appendix A](https://www.dhs.pa.gov/KeepKidsSafe/Documents/KKS_Training%20Appendix%20A.pdf) and must contain the following elements for each participant:
 |
|  | [ ]  First and last name (middle name optional)[ ]  Last 4 of Social Security Number[ ]  Date of birth[ ]  Date training completed | [ ]  License number (if already licensed)[ ]  Course name and number of credit hours[ ]  Provider License Number (assigned by DOS) |

Upon DHS final approval, your information will be forwarded to DOS who will issue a separate approval letter. DOS must provide you with your CE provider number and course number for participants to receive CE credit.

***Pennsylvania Department of Education (PDE)***

[*https://www.education.pa.gov/Schools/safeschools/laws/Pages/Act126.aspx*](https://www.education.pa.gov/Schools/safeschools/laws/Pages/Act126.aspx)

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| [ ]  | If your curriculum includes content related to Act 126 of 2012, your approved curriculum will be forwarded to PDE for review/approval of the content specific to Act 126. If you wish for participants who take your training to receive Act 48 professional educator CE credit, PDE will provide approval separate from DHS. |

**Case/Reporting Scenarios** – document title & page/slide(s): *Click or tap here to enter text.*

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| In addition to the quiz questions described below and the required content outlined on the following pages, you must compose case/reporting scenarios which present an example of a case scenario and test your audience’s comprehension of the appropriate course of action. |
| [ ]  | Minimum of five (5) are required. |
| [ ]  | Must target the “Key Takeaways” and focus on the target audience’s mandated roles and responsibilities as they relate to child abuse recognition and reporting (e.g., whether there may be reasonable cause to suspect a child is a victim of child abuse to include any indicators of child abuse as well as any factors which contribute to “reasonable cause to suspect”, whether there is a basis to report, reporting procedure). |
| [ ]  | Should allow for discussion and/or elicit critical thinking. |
| [ ]  | A correct, definitive answer is not required. |
| [ ]  | Recommend placing at the end of the training; however, if placed throughout the training, relevant information needed to have an effective reflection/discussion must be covered previously. |
| *Comments/Questions:* |  |

**Quiz Questions** – document title & page/slide(s): *Click or tap here to enter text.*

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| In addition to the case/reporting scenarios described above and the required content outlined on the following pages, you must compose questions to test your audience’s comprehension of your training material. |
| [ ]  | Minimum of 10 are required. |
| [ ]  | Must target the “Key Takeaways” and focus on the target audience’s mandated roles and responsibilities as they relate to recognizing and reporting child abuse recognition and reporting. |
| [ ]  | Avoid quizzing participants on data/statistics they are not required by law to know. |
| [ ]  | May be in the form of pre-test and post-test questions or “knowledge checks” throughout the training. |
| [ ]  | May be in the form of multiple-choice, true/false, etc. |
| [ ]  | Must provide the correct answer to each question. |
| [ ]  | Providing a complete rationale/explanation for the correct answer is encouraged. |
| [ ]  | Must indicate a passing score (e.g. 8/10). |
| *Comments/Questions:* |  |

**Tips & Recommendations**

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| The following is not required, however, is intended to help enhance your understanding of the material – and further interpret and reference the PA CPSL – and consequently do the same for your audience: |
| [ ]  | Create a separate document for the relevant terms/phrases and definitions, such as those under section 6303 of the PA CPSL (relating to definitions) (see “***Relevant Resources***” throughout this document, which lists relevant sections of the CPSL and any additional law mentioned in the information immediately above it). |
| [ ]  | Provide the appropriate source/citation for the information covered on each slide or with a chunk of information as appropriate – e.g., definition of child abuse: 23 Pa.C.S. § 6303(b.1) – in addition to providing a list of the sources you use (see “***Relevant Resources***” throughout this document). |
| [ ]  | Include direct hyperlinks to sources. |
| [ ]  | Ensure sources are recent/current. |
| [ ]  | Ensure the intended meaning is maintained when simplifying language from the PA CPSL. |
| [ ]  | Ensure language remains consistent throughout and consistent with the PA CPSL (e.g., using “mandated reporter” vs. “mandatory reporter”; “child abuse” or “suspected child abuse” vs. “child abuse and neglect” or “neglect and abuse”; “serious physical neglect” vs. “neglect”; “serious mental injury” vs. “emotional abuse” or “mental abuse”). |
| *Comments/Questions:* |  |

# Required Content

### Child Welfare in Pennsylvania

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| --- | --- |
| [ ] page/slide(s): | * The [Pennsylvania Child Protective Services Law (CPSL) (23 Pa.C.S. Chapter 63, Child Protective Services)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272) was established in 1975 to protect children from abuse, allow the opportunity for healthy growth and development, and preserve and stabilize the family whenever possible.
* The PA CPSL does not restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children.
* Recent amendments to the PA CPSL relevant to child abuse recognition and reporting:
	+ Act 115 of 2016 (relating to human trafficking)
	+ Act 54 of 2018 (relating to notification of substance affected infants by healthcare providers & plan of safe care)
	+ Act 88 of 2019 (relating to penalties for failure to report or refer)
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | * The Pennsylvania child welfare system is state-supervised and county-administered.
* County children-and-youth agencies (CCYAs) have two main functions:
	+ Child Protective Services (CPS)
	+ General Protective Services (GPS)
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s):[ ] page/slide(s): | * **Child Protective Services (CPS)** – services and activities provided by DHS and each county agency for child abuse cases
	+ Cases identified as “CPS” require an investigation because the alleged act or failure to act meets the PA CPSL’s definition of child abuse.
	+ The PA CPSL’s definition of child abuse recognizes 10 separate categories of child abuse.
	+ *Examples of CPS Cases –*
		- 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
		- Engaging in a specific recent “per se” act
		- Causing the death of the child through any act or failure to act
		- Engaging a child in a severe form of trafficking in persons or sex trafficking
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s):[ ] page/slide(s): | * **General Protective Services (GPS)** – services and activities provided by each county agency for cases requiring protective services as defined by DHS in regulations
	+ Cases identified as “GPS” require an assessment for services and supports.
	+ In these cases, the alleged act or failure to act may not meet the definition of child abuse but is still detrimental to a child.
	+ The primary purpose of GPS is to protect the rights and welfare of children so that they have an opportunity for healthy growth and development.
	+ *Examples of GPS Cases – Services to prevent the potential for harm to a child who meets one of the following conditions*:
		- Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for their physical, mental, or emotional health, or morals
		- Has been placed for care or adoption in violation of law
		- Has been abandoned by their parents, guardian, or other custodian
		- Is without a parent, guardian, or legal custodian
		- Is habitually and without justification truant from school while subject to compulsory school attendance
		- Has committed a specific act of habitual disobedience of the reasonable and lawful commands of their parent, guardian, or other custodian and who is ungovernable and found to be in need of care, treatment, or supervision
		- Is under 10 years of age and has committed a delinquent act
		- Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication) and is under the jurisdiction of the court, subject to its conditions or placements, and who commits an act which is defined as ungovernable
		- Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment) and who commits an act which is defined as ungovernable
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

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| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Bodily injury
	+ Child
	+ Child abuse
	+ Child protective services
	+ County agency
	+ Department
	+ General protective services
	+ Parent
	+ Protective services
	+ Recent act
	+ Recent act or failure to act
	+ Serious mental injury
	+ Serious physical neglect
	+ Sexual abuse or exploitation
	+ Substantiated child abuse
* [23 Pa.C.S. § 6362 (relating to responsibilities of county agency for child protective services)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6372 (relating to protecting well-being of children maintained outside home)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
 | * [23 Pa.C.S. § 6373 (relating to general protective services responsibilities of county agency)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6374 (relating to principles and goals of general protective services)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6375 (relating to county agency requirements for general protective services)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [55 Pa. Code § 3490.223 (relating to definitions)](http://pacodeandbulletin.gov/Display/pacode?file=%2fsecure%2fpacode%2fdata%2f055%2fchapter3490%2fsubchapCtoc.html&msclkid=8d67e515b13211eca9837682b1cb1f25)
	+ Assessment
	+ General protective services
	+ Potential for harm
	+ Protective services
* [Section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)](https://uscode.house.gov/view.xhtml?path=%2fprelim%40title22%2fchapter78&edition=prelim&msclkid=28e92ce8b13811ecaeb47987e9cf3ff4)
	+ Severe forms of trafficking in persons
	+ Sex trafficking
* [42 Pa.C.S. § 6323 (relating to informal adjustment)](https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/00.063..HTM)
* [42 Pa.C.S. § 6341 (relating to adjudication)](https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/00.063..HTM)
 |

### Mandatory Notification of Substance Affected Infants by Health Care Providers & Plan of Safe Care (Act 54 of 2018)

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| [ ] page/slide(s): | * A health care provider shall immediately give notice or cause notice to be given to DHS if the provider is involved in the delivery or care of a child under one year of age and the health care provider has determined, based on standards of professional practice, the child was born affected by:
	+ substance use or withdrawal symptoms resulting from prenatal drug exposure; or
	+ a Fetal Alcohol Spectrum Disorder.
* Notification to DHS can be made to ChildLine, electronically through the [Child Welfare Portal](http://www.compass.state.pa.us/cwis) or by calling 1-800-932-0313.
* This notification is for the purpose of assessing a child and the child’s family for a Plan of Safe Care and shall not constitute a child abuse report.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | * *Health care provider*: A licensed hospital or health care facility or person who is licensed, certified, or otherwise regulated to provide health care services under the laws of Pennsylvania, including a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician’s assistant, chiropractor, dentist, pharmacist, or an individual accredited or certified to provide behavioral health services.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | * After notification of a child born affected by substance use or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder:
	+ A multidisciplinary team meeting must be held prior to the child’s discharge from the health care facility.
	+ The meeting will inform an assessment of the needs of the child and the child’s parents and immediate caregivers to determine the most appropriate lead agency for developing, implementing, and monitoring a Plan of Safe Care.
	+ The child’s parents and immediate caregivers must be engaged to identify the need for access to treatment for any substance use disorder or other physical or behavioral health condition that may impact the safety, early childhood development, and well-being of the child.
	+ Depending upon the needs of the child and parent(s)/caregiver(s), ongoing involvement of the county agency may not be required.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | * *Multidisciplinary Team*: For the purpose of informing the Plan of Safe Care, may include public health agencies, maternal and child health agencies, home visitation programs, substance use disorder prevention and treatment providers, mental health providers, public and private children and youth agencies, early intervention and developmental services, courts, local education agencies, managed care organizations and private insurers, and hospitals and medical providers.
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| *Comments/Questions:* |  |

##### Relevant Resources:

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| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ County agency
	+ Department
	+ Health care facility
	+ Health care provider
	+ Parent
 | * [2018 Act 54 – PA General Assembly (state.pa.us)](https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2018&sessInd=0&act=54)
* [Plans of Safe Care (pa.gov)](https://www.dhs.pa.gov/KeepKidsSafe/About/Pages/Plans-of-Safe-Care.aspx)
 |

### Key Components of Child Abuse

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| [ ] page/slide(s): | * **Child**: An individual under 18 years of age
* **Act or failure to act; Recent act; Recent act or failure to act; or A series of acts or failures to act**
	+ *Act*: Something that is done to harm or cause potential harm to a child
	+ *Failure to act*: Something that is NOT done to prevent harm or potential harm to a child
	+ *Recent act*: Any act committed within two (2) years of the date of the report to DHS or county agency
	+ *Recent act or failure to act*: Any act or failure to act committed within two (2) years of the date of the report to DHS or county agency
* **Intentionally, knowingly, or recklessly**
	+ *Intentionally*: Done with the direct purpose of causing the type of harm that resulted
	+ *Knowingly*: Awareness that harm is practically certain to result
	+ *Recklessly*: Conscious disregard of substantial and unjustifiable risk
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ County agency
	+ Department
	+ Intentionally
	+ Knowingly
	+ Recent act
	+ Recent act or failure to act
	+ Recklessly
 | * [18 Pa.C.S. § 302 (relating to general requirements of culpability)](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ (b)(1) Intentionally
	+ (b)(2) Knowingly
	+ (b)(3) Recklessly
 |

### Perpetrator

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| [ ] page/slide(s):[ ] page/slide(s): | * An individual who has committed child abuse as defined under section 6303(b.1) of the PA CPSL (relating to definitions).
* The term includes only the following:
	+ A parent of the child
	+ A spouse or former spouse of the child’s parent
	+ A paramour or former paramour of the child’s parent
	+ A person 14 years of age or older responsible for the child’s welfare or having direct contact with children as an employee of child-care services, a school, or through a program, activity, or service
	+ An individual 14 years of age or older who resides in the same home as the child
	+ 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
	+ An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)
* Only the following may be considered a perpetrator for failing to act:
	+ A parent of the child
	+ A spouse or former spouse of the child’s parent
	+ A paramour or former paramour of the child’s parent
	+ A person 18 years of age or older responsible for the child's welfare
	+ A person 18 years of age or older who resides in the same home as the child
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | Please Note:* Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to identify the person responsible for the child abuse in order to make a report of suspected child abuse.
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ Childcare services
	+ Direct contact with children
	+ Institution of higher education
	+ Parent
	+ Perpetrator
	+ Person responsible for the child’s welfare
	+ Program, activity, or service
	+ Routine interaction
	+ School
	+ School employee
* [23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
 | * [Section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)](https://uscode.house.gov/view.xhtml?path=%2fprelim%40title22%2fchapter78&edition=prelim&msclkid=28e92ce8b13811ecaeb47987e9cf3ff4)
	+ Severe forms of trafficking in persons
	+ Sex trafficking
 |

### Categories & Indicators of Child Abuse

#### Definition/Categories of Child Abuse

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| --- | --- |
| [ ] page/slide(s): | **Definitions (23 Pa.C.S. § 6303)**(b.1) *Child abuse* -- The term "child abuse" shall mean intentionally, knowingly, or recklessly doing any of the following:* 1. Causing bodily injury to a child through any recent act or failure to act
	2. 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
	3. 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
	4. Causing sexual abuse or exploitation of a child through any act or failure to act
	5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act
	6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act
	7. Causing serious physical neglect of a child
	8. Engaging in any of the following recent “per se” acts:
		1. Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child
		2. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement
		3. Forcefully shaking a child under one year of age
		4. Forcefully slapping or otherwise striking a child under one year of age
		5. Interfering with the breathing of a child
		6. Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement
		7. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
			1. Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed
			2. Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors
			3. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions)
			4. Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration)
	9. Causing the death of the child through any act or failure to act
	10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000
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| *Comments/Questions:* |  |

##### Relevant Resources:

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| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Bodily injury
	+ Child
	+ Child abuse
	+ Intentionally
	+ Knowingly
	+ Parent
	+ Recent act
	+ Recent act or failure to act
	+ Recklessly
	+ Serious mental injury
	+ Serious physical neglect
	+ Sexual abuse or exploitation
 | * [Section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)](https://uscode.house.gov/view.xhtml?path=%2fprelim%40title22%2fchapter78&edition=prelim&msclkid=28e92ce8b13811ecaeb47987e9cf3ff4)
	+ Coercion
	+ Commercial sex act
	+ Debt bondage
	+ Involuntary servitude
	+ Severe forms of trafficking in persons
	+ Sex trafficking
* [42 Pa.C.S. JUDICIARY AND JUDICIAL PROCEDURE](https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/42.HTM)
	+ 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders)
	+ 42 Pa.C.S. § 9799.12 (relating to definitions)
		- Sexually violent delinquent child
		- Sexually violent predator
		- Tier II sexual offense
		- Tier III sexual offense
	+ 42 Pa.C.S. § 9799.14 (relating to sexual offenses and tier system)
		- (c) Tier II sexual offenses
		- (d) Tier III sexual offenses
	+ 42 Pa.C.S. § 9799.24 (relating to assessments)
	+ 42 Pa.C.S. § 9799.55(b) (relating to registration)
	+ 42 Pa.C.S. § 9799.58 (relating to assessments)
 |
| * [18 Pa.C.S. CRIMES AND OFFENSES](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ 18 Pa.C.S. § 302 (relating to general requirements of culpability)
		- (b)(1) Intentionally
		- (b)(2) Knowingly
		- (b)(3) Recklessly
	+ 18 Pa.C.S. § 3121 (relating to rape)
	+ 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)
	+ 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)
	+ 18 Pa.C.S. § 3124.1 (relating to sexual assault)
	+ 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault)
	+ 18 Pa.C.S. § 3125 (relating to aggravated indecent assault)
	+ 18 Pa.C.S. § 3126 (relating to indecent assault)
	+ 18 Pa.C.S. § 3127 (relating to indecent exposure)
	+ 18 Pa.C.S. § 4302 (relating to incest)
	+ 18 Pa.C.S. § 5902 (relating to prostitution and related offenses)
	+ 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory)
 |

#### Bodily Injury

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| [ ] page/slide(s): | **Definitions (23 Pa.C.S. § 6303)**1. *General rule -*- The following words and phrases, when used in the PA CPSL, shall have the meanings given to them in this section unless the context clearly indicates otherwise:
	* ***Bodily injury***: Impairment of physical condition or substantial pain
		+ *Impairment*: If, due to the injury, the child’s ability to function is reduced temporarily or permanently in any way
		+ *Substantial pain*: If the child experiences what a reasonable person believes to be substantial pain
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | *Indicators of Bodily Injury:** + - Fear of going home
		- Fear of parent or caregiver
		- Extreme apprehensiveness/vigilance
		- Pronounced aggression or passivity
		- Flinches easily or avoids being touched
		- Play includes abusive talk or behavior
		- Unexplained injuries
		- Unbelievable or inconsistent explanations of injuries
		- Injuries inconsistent with a child’s age/developmental level
		- Unable to recall how injuries occurred or account of injuries is inconsistent with the nature of the injuries
		- Multiple bruises in various stages of healing
		- Bruises located on face, ears, neck, buttocks, back, chest, thighs, back of legs, and genitalia
		- Bruises that resemble objects such as a hand, fist, belt buckle, or rope
		- Burns
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

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| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Bodily injury
	+ Child
	+ Child abuse
	+ Intentionally
	+ Knowingly
	+ Recent act or failure to act
	+ Recklessly
	+ Serious bodily injury
 | * [18 Pa.C.S. CRIMES AND OFFENSES](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ 18 Pa.C.S. § 302 (relating to general requirements of culpability)
		- (b)(1) Intentionally
		- (b)(2) Knowingly
		- (b)(3) Recklessly
 |

#### Serious Mental Injury

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| --- | --- |
| [ ] page/slide(s): | **Definitions (23 Pa.C.S. § 6303)**1. *General rule* -- The following words and phrases, when used in the PA CPSL, shall have the meanings given to them in this section unless the context clearly indicates otherwise:
	* ***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 the child's life or safety is threatened; or
		+ seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | *Indicators of Serious Mental Injury:** + - Expressing feelings of inadequacy
		- Fearful of trying new things
		- Overly compliant
		- Poor peer relationships
		- Excessive dependence on adults
		- Habit disorders (sucking, rocking, etc.)
		- Eating disorders
		- Frequent psychosomatic complaints (nausea, stomachache, headache, etc.)
		- Bed-wetting
		- Self-harm
		- Speech disorders
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

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| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ Intentionally
	+ Knowingly
	+ Recklessly
	+ Serious mental injury
 | * [18 Pa.C.S. CRIMES AND OFFENSES](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ 18 Pa.C.S. § 302 (relating to general requirements of culpability)
		- (b)(1) Intentionally
		- (b)(2) Knowingly
		- (b)(3) Recklessly
 |

#### Serious Physical Neglect

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| [ ] page/slide(s): | **Definitions (23 Pa.C.S. § 6303)**1. *General rule* -- The following words and phrases, when used in the PA CPSL, shall have the meanings given to them in this section unless the context clearly indicates otherwise:
	* ***Serious physical neglect***: Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury, or impairs a child's health, development, or functioning:
		+ A repeated, prolonged, or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities
		+ The failure to provide a child with adequate essentials of life, including food, shelter, or medical care
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | *Indicators of Serious Physical Neglect:** + - Not registered in school
		- Inadequate or inappropriate supervision
		- Poor impulse control
		- Frequently fatigued
		- Parentified behaviors
		- Lack of adequate medical and dental care
		- Often hungry
		- Lack of shelter
		- Weight is significantly lower than normal for their age and gender
		- Developmental delays
		- Persistent (untreated) conditions (e.g., head lice, diaper rash)
		- Exposure to hazards (e.g., illegal drugs, rodent/insect infestation, mold)
		- Clothing that is dirty, inappropriate for the weather, too small, or too large
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Bodily injury
	+ Child
	+ Child abuse
	+ Intentionally
	+ Knowingly
	+ Perpetrator
	+ Recklessly
	+ Serious bodily injury
	+ Serious physical neglect
 | * [18 Pa.C.S. CRIMES AND OFFENSES](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ 18 Pa.C.S. § 302 (relating to general requirements of culpability)
		- (b)(1) Intentionally
		- (b)(2) Knowingly
		- (b)(3) Recklessly
 |

#### Sexual Abuse or Exploitation

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| --- | --- |
| [ ] page/slide(s):[ ] page/slide(s): | **Definitions (23 Pa.C.S. § 6303)**1. *General rule* -- The following words and phrases, when used in the PA CPSL, shall have the meanings given to them in this section unless the context clearly indicates otherwise:
	* ***Sexual abuse or exploitation***: Any of the following:
		+ The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
			- Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual
			- Participating in sexually explicit conversation either in person, by telephone, by computer, or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual
			- Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual
			- Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting, or filming

The above does not include 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.* + - Any of the following when committed against a child:
			* Rape as defined in 18 Pa.C.S. § 3121 (relating to rape)
			* Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)
			* Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)
			* Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault)
			* Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault)
			* Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault)
			* Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault)
			* Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure)
			* Incest as defined in 18 Pa.C.S. § 4302 (relating to incest)
			* Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses)
			* Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children)
			* Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor)
			* Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children)
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | *Indicators of Sexual Abuse or Exploitation:** + - Sexually promiscuous
		- Developmental age-inappropriate sexual play and/or drawings
		- Cruelty to others
		- Cruelty to animals
		- Fire setting
		- Anxious
		- Withdrawn
		- Sleep disturbances
		- Bedwetting
		- Pain or irritation in genital/anal area
		- Difficulty walking or sitting
		- Difficulty urinating
		- Pregnancy
		- Positive testing for sexually-transmitted disease(s) (e.g., HIV)
		- Excessive or injurious masturbation
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ Intentionally
	+ Knowingly
	+ Recklessly
	+ Sexual abuse or exploitation
* [Section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)](https://uscode.house.gov/view.xhtml?path=%2fprelim%40title22%2fchapter78&edition=prelim&msclkid=28e92ce8b13811ecaeb47987e9cf3ff4)

Coercion | * [18 Pa.C.S. CRIMES AND OFFENSES](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ 18 Pa.C.S. § 302 (relating to general requirements of culpability)
		- (b)(1) Intentionally
		- (b)(2) Knowingly
		- (b)(3) Recklessly
	+ 18 Pa.C.S. § 3121 (relating to rape)
	+ 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)
	+ 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)
	+ 18 Pa.C.S. § 3124.1 (relating to sexual assault)
	+ 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault)
	+ 18 Pa.C.S. § 3125 (relating to aggravated indecent assault)
	+ 18 Pa.C.S. § 3126 (relating to indecent assault)
	+ 18 Pa.C.S. § 3127 (relating to indecent exposure)
	+ 18 Pa.C.S. § 4302 (relating to incest)
	+ 18 Pa.C.S. § 5902 (relating to prostitution and related offenses)
 |

#### Severe Forms of Trafficking in Persons

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| [ ] page/slide(s):[ ] page/slide(s): | **Severe forms of trafficking in persons (Act 115 of 2016)*** ***Severe forms of trafficking in persons***:
	+ Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age; or
		- *Sex trafficking*: the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act
			* *Commercial sex act*: Any sex act on account of which anything of value is given to or received by any person
	+ The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
		- *Peonage*: paying off debt through work
		- *Debt Bondage*: debt slavery, bonded labor, or services for a debt or other obligation
		- *Slavery*: a condition compared to that of a slave in respect of exhausting labor or restricted freedom
* ***Labor trafficking***: Labor obtained by use of threat of serious harm, physical restraint, or abuse of legal process

*Examples*:* + - Being forced to work for little or no pay (frequently in factories and farms)
		- *Domestic servitude*: providing services within a household for 10-16 hours per day, such as, but not limited to: childcare, cooking, cleaning, yard work, gardening, etc.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Severe forms of trafficking in persons (Act 115 of 2016)*** *Victim Identification/Warning Signs -- including, but not limited to*:
	+ Has been verified to be under the age of 18 and is in any way involved in a commercial sex act industry or has a record of prior arrest for prostitution or related charges
	+ Has an explicitly sexual online profile
	+ Excessively frequents internet chat rooms and classified sites
	+ Depicts elements of sexual exploitation in drawing, poetry, or other modes of creative expression
	+ Secrecy about whereabouts
	+ Has late nights or unusual hours
	+ Is found in a hotel, street track, truck stop, or strip club
	+ Lies about or has no identification or knowledge of personal data, such as but not limited to: age, name, and/or date of birth
	+ Does not have insurance or control over own finances
	+ Wears clothing that is dirty and inappropriate for the weather; it may be too large or too small (often dresses or skirts that are provocative in nature)
	+ Wears new clothes of any style and gets hair and/or nails done with no financial means
	+ Has multiple cell phones or very expensive items that they have no way of purchasing on their own
	+ Has unaddressed medical issues or goes to the ER or clinic alone or with an unrelated adult
	+ Exhibits hypervigilance or paranoid behaviors
	+ Is in a controlling or dominating relationship
	+ Avoids answering questions and lets someone else speak for them
	+ Expresses interest in or is in relationships with adults or much older adults
	+ Has significant change in behavior, including increased social media and new associates or friends at school
	+ Has frequent or multiple sexually transmitted diseases or pregnancies
	+ Has unexplained injuries and/or unbelievable or inconsistent explanations of injuries
	+ Has multiple bruises or cuts in various stages of healing
	+ Has a tattoo they’re reluctant to explain
	+ Uses specific terms such as "trick", "the life", or "the game"
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Severe forms of trafficking in persons (Act 115 of 2016)*** *At-Risk Youth Populations – including, but not limited to, youth:*
	+ In the foster care system
	+ Who identify as LGBTQ+
	+ Who are homeless or a runaway
	+ With disabilities
	+ With a history of sexual abuse
	+ With mental health and/or substance abuse disorders
	+ With a history of being involved in the welfare system
	+ Who identify as native or aboriginal
	+ With family dysfunction
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ Intentionally
	+ Knowingly
	+ Recklessly
 | * [Section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)](https://uscode.house.gov/view.xhtml?path=%2fprelim%40title22%2fchapter78&edition=prelim&msclkid=28e92ce8b13811ecaeb47987e9cf3ff4)
	+ Coercion
	+ Commercial sex act
	+ Debt bondage
	+ Involuntary servitude
	+ Severe forms of trafficking in persons
	+ Sex trafficking
 |
| * [18 Pa.C.S. CRIMES AND OFFENSES](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ 18 Pa.C.S. § 302 (relating to general requirements of culpability)
		- (b)(1) Intentionally
		- (b)(2) Knowingly
		- (b)(3) Recklessly
 |

### Exclusions from Child Abuse

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| --- | --- |
| [ ] page/slide(s): | **Definitions (23 Pa.C.S. § 6303)**1. *Restatement of culpability* – Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.
2. *Child abuse exclusions* -- The term "child abuse" does not include any conduct for which an exclusion is provided in section 6304 of the PA CPSL (relating to exclusions from child abuse).

Please Note:* Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to consider the exclusions from child abuse before making a report of suspected child abuse.
* The exclusions from child abuse are considered/determined by DHS or the investigating agency after receipt of a referral/report.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Exclusions from child abuse (23 Pa.C.S. § 6304)**1. *Environmental factors* – No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors – such as inadequate housing, furnishings, income, clothing, and medical care – that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides. This exclusion shall not apply to any childcare service as defined in the PA CPSL, excluding an adoptive parent.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Exclusions from child abuse (23 Pa.C.S. § 6304)**1. *Practice of religious beliefs* -- If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides – which beliefs are consistent with those of a bona fide religion – the child shall not be deemed to be physically or mentally abused. In such cases, the following shall apply:
2. The county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.
3. All correspondence with a subject of the report and the records of DHS and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.
4. The family shall be referred for general protective services, if appropriate.
5. This exclusion shall not apply if the failure to provide needed medical or surgical care causes the death of the child.
6. This exclusion shall not apply to any childcare service as defined under section 6303(a) of the PA CPSL (relating to definitions), excluding an adoptive parent.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Exclusions from child abuse (23 Pa.C.S. § 6304)**1. *Use of force for supervision, control, and safety purposes* – Subject to subsection (d) (relating to rights of parents), the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:
2. The use of reasonable force constitutes incidental, minor, or reasonable physical contact with the child or other actions that are designed to maintain order and control.
3. The use of reasonable force is necessary:
	1. to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;
	2. to prevent the child from self-inflicted physical harm;
	3. for self-defense or the defense of another individual; or
	4. to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Exclusions from child abuse (23 Pa.C.S. § 6304)**1. *Rights of parents* – Nothing in the PA CPSL shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control, and discipline of their children. Such reasonable force shall not constitute child abuse.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Exclusions from child abuse (23 Pa.C.S. § 6304)**1. *Participation in events that involve physical contact with child* – An individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity, or an extracurricular activity that involves physical contact with a child does not, in itself, constitute contact that is subject to the reporting requirements of the PA CPSL.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Exclusions from child abuse (23 Pa.C.S. § 6304)**1. *Child-on-child contact*
2. Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator.
3. Notwithstanding paragraph (1) above, the following shall apply:
	1. Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of the PA CPSL:
		1. Rape as defined in 18 Pa.C.S. § 3121 (relating to rape);
		2. Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);
		3. Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);
		4. Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);
		5. Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault); and
		6. Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
	2. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight, or scuffle entered into by mutual consent.
	3. A law enforcement official who receives a report of suspected child abuse is not required to make a report to DHS if the person allegedly responsible for the child abuse is a non-perpetrator child.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Exclusions from child abuse (23 Pa.C.S. § 6304)**1. *Defensive force* – Reasonable force for self-defense or the defense of another individual consistent with the provisions of 18 Pa.C.S. §§ 505 (relating to use of force in self-protection) and 506 (relating to use of force for the protection of other persons) shall not be considered child abuse.
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ Child abuse exclusions
	+ Childcare services
	+ County agency
	+ Department
	+ General protective services
	+ Parent
	+ Perpetrator
	+ Person responsible for the child’s welfare
	+ Subject of the report
 | * [23 Pa.C.S. § 6304 (relating to exclusions from child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [18 Pa.C.S. CRIMES AND OFFENSES](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
	+ 19 Pa.C.S. § 509 (relating to use of force by persons with special responsibility for care, discipline or safety of others)
	+ 18 Pa.C.S. § 3121 (relating to rape)
	+ 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)
	+ 18 Pa.C.S. § 3124.1 (relating to sexual assault)
	+ 18 Pa.C.S. § 3125 (relating to aggravated indecent assault)
	+ 18 Pa.C.S. § 3126 (relating to indecent assault)
	+ 18 Pa.C.S. § 3127 (relating to indecent exposure)
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### Reporting Suspected Child Abuse

#### Reasonable Cause to Suspect

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| [ ] page/slide(s): | * "Reasonable cause to suspect" may be a determination you make based on your training/experience and all known circumstances – to include “who”, “what”, “when”, and “how”, observations (e.g., indicators of abuse or "red flags", behavior/demeanor of the child(ren), behavior/demeanor of the adult(s), etc.), as well as familiarity with the individuals (e.g., family situation and relevant history or similar prior incidents, etc.).
* Some indicators may be more apparent than others depending on the type of abuse and/or depending on the child's health, developmental level, and well-being. For example, some indicators may be visible on the child's body while other indicators may be present in the child's behaviors.
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| *Comments/Questions:* |  |

#### Persons Encouraged to Report Suspected Child Abuse vs. Persons Required to Report Suspected Child Abuse

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| [ ] page/slide(s): | **Persons encouraged to report suspected child abuse (23 Pa.C.S. § 6312)** – Any person may make an oral/verbal (1-800-932-0313) or written report of suspected child abuse, which may be submitted electronically, or cause a report of suspected child abuse to be made to DHS, county agency, or law enforcement, if that person has reasonable cause to suspect that a child is a victim of child abuse. |
| *Comments/Questions:* |  |

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| [ ] page/slide(s): | **Persons required to report suspected child abuse (23 Pa.C.S. § 6311)**1. *Mandated reporters*-- The following adults shall make a report of suspected child abuse, subject to subsection (b) (relating to basis to report), if the person has reasonable cause to suspect that a child is a victim of child abuse.
2. A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State
3. A medical examiner, coroner, or funeral director
4. 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
5. A school employee
6. An employee of a child-care service who has direct contact with children in the course of employment
7. A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer, or spiritual leader of any regularly established church or other religious organization
8. 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
9. An employee of a social service agency who has direct contact with children in the course of employment
10. A peace officer or law enforcement official
11. An emergency medical services provider certified by the Department of Health
12. An employee of a public library who has direct contact with children in the course of employment
13. An independent contractor
14. An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment
15. 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
16. A foster parent
17. 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 DHS under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21) known as the Human Services Code (formerly the Public Welfare Code)
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| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Persons required to report suspected child abuse (23 Pa.C.S. § 6311)**1. *Basis to report*--
2. A mandated reporter enumerated in subsection (a) (relating to mandated reporters) shall make a report of suspected child abuse in accordance with section 6313 (relating to reporting procedure) if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following 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.
	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, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child.
	3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
	4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
3. Nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) shall require a child to come before the mandated reporter in order to make a report of suspected child abuse.
4. Nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) shall require the mandated reporter to identify the person responsible for the child abuse in order to make a report of suspected child abuse.
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| [ ] page/slide(s): | **Persons required to report suspected child abuse (23 Pa.C.S. § 6311)**1. *Staff members of institutions, etc.*-- Whenever a person is required to report under subsection (b) (relating to basis to report) in the capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, that person shall report immediately in accordance with section 6313 (relating to reporting procedure) and shall 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). The PA CPSL does not require more than one report from any such institution, school, facility, or agency.
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

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| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Adult
	+ Adult family member
	+ Child
	+ Child abuse
	+ Department
	+ Direct contact with children
	+ Independent contractor
	+ Law enforcement official
	+ Mandated reporter
	+ Person responsible for the child’s welfare
	+ Program, activity, or service
	+ Routine interaction
	+ School
 | * [23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6312 (relating to persons encouraged to report suspected child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6313 (relating to reporting procedure)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [Act of June 13, 1967 (P.L.31, No.21) - Public Welfare Code](https://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1967/0/0021..PDF)
* [18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases)](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
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#### Privileged Communications

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| [ ] page/slide(s): | **Privileged communications (23 Pa.C.S. § 6311.1)**1. *General rule*-- Subject to subsection (b) (relating to confidential communications) below, the privileged communications between a mandated reporter and a patient or client of the mandated reporter shall not:
2. Apply to a situation involving child abuse.
3. Relieve the mandated reporter of the duty to make a report of suspected child abuse.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Privileged communications (23 Pa.C.S. § 6311.1)**1. *Confidential communications* -- The following protections shall apply:
2. Confidential communications made to a member of the clergy are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen).
3. Confidential communications made to an attorney are protected so long as they are within the scope of 42 Pa.C.S. §§ 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.
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| *Comments/Questions:* |  |

##### Relevant Resources:

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| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ Mandated reporter
* [23 Pa.C.S. § 6311.1 (relating to privileged communications)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [42 Pa.C.S. § 5943 (relating to confidential communications to clergymen)](https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/42.HTM?msclkid=eca311e3b1b911ecb64b7ca94ba992de)
* [42 Pa.C.S. § 5916 (relating to confidential communications to attorney)](https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/42.HTM?msclkid=eca311e3b1b911ecb64b7ca94ba992de)
* [42 Pa.C.S. § 5928 (relating to confidential communications to attorney)](https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/42.HTM?msclkid=eca311e3b1b911ecb64b7ca94ba992de)
 | * The attorney work product doctrine
* The rules of professional conduct for attorneys
* Hutchison v. Luddy, 414 Pa.Super. 138, 146, 606 A.2d 905, 908 (1992)
* Commonwealth v. Patterson, 392 Pa.Super. 331, 572 A.2d 1258 (1990)
* Fahlfeder v. Commonwealth, Pennsylvania Board of Probation and Parole, 80 Pa.Cmwlth. 86, 470 A.2d 1130 (1984)
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#### Reporting Procedure

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| [ ] page/slide(s): | **Reporting procedure (23 Pa.C.S. § 6313)**1. *Report by mandated reporter*--
2. A mandated reporter shall immediately make an oral/verbal report of suspected child abuse to DHS via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) ([1-800-932-0313](https://pagov-my.sharepoint.com/personal/asweaver_pa_gov/Documents/-%20OCYF%20-/Assignments/Curricula/KKS%20Trainings%20Page/Curriculum%20Approval%20Guidelines/1-800-932-0313)) or a written report using electronic technologies under section 6305 (relating to electronic reporting) (via the self-service [Child Welfare Portal](http://www.compass.state.pa.us/cwis)).
3. A mandated reporter making an oral/verbal report of suspected child abuse to DHS via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) shall also make a written report, which may be submitted electronically, within 48 hours to DHS or county agency assigned to the case by using a [CY-47](https://www.dhs.pa.gov/KeepKidsSafe/Resources/Documents/CY47.pdf) form.
4. The failure of the mandated reporter to file the written report ([CY-47](https://www.dhs.pa.gov/KeepKidsSafe/Resources/Documents/CY47.pdf)) shall not relieve the county agency from any duty under the PA CPSL, and the county agency shall proceed as though the mandated reporter complied.
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| *Comments/Questions:* |  |
| [ ] page/slide(s): | Pursuant to 23 Pa.C.S. § 6383 (relating to education and training), if your agency/organization is an institution, facility, or agency which cares for children and is subject to supervision by PA DHS under Article IX of the Human Services (formerly Public Welfare) Code, your training must also include your internal policies related to reporting suspected child abuse. **\*If this does not apply to your agency/organization, we encourage you to include a statement referring participants to their employer for any internal policies related to reporting suspected child abuse that they may have.\*** |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Reporting procedure (23 Pa.C.S. § 6313)**1. *Contents of report* -- A written report of suspected child abuse, which may be submitted electronically, shall include the following information, if known:
2. The names and addresses of the child, the child's parents, and any other person responsible for the child's welfare
3. Where the suspected abuse occurred
4. The age and sex of each subject of the report
5. The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child
6. The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual
7. Family composition
8. The source of the report
9. The name, telephone number and e-mail address of the person making the report
10. The actions taken by the person making the report, including those actions taken under section 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)
11. Any other information required by Federal law or regulation
12. Any other information that DHS requires by regulation
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Reporting procedure (23 Pa.C.S. § 6313)**1. *Applicability of Mental Health Procedures Act* – Notwithstanding any other provision of law, a mandated reporter who makes a report of suspected child abuse or who makes a report of a crime against a child to law enforcement officials shall not be in violation of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, by releasing information necessary to complete the report.
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| *Comments/Questions:* |  |

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| [ ] page/slide(s): | **Establishment of Statewide toll-free telephone number (23 Pa.C.S. § 6332)** – The Statewide toll-free telephone number is available for all persons, whether mandated by law or not, to use to report cases of suspected child abuse or children allegedly in need of general protective services.  |
| *Comments/Questions:* |  |

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| [ ] page/slide(s): | **Electronic reporting (23 Pa.C.S. § 6305)**1. *Confirmation of reports* – A confirmation by DHS of the receipt of a report of suspected child abuse submitted electronically shall relieve the person making the report of making an additional oral/verbal or written report of suspected child abuse, subject to section 6313 (relating to reporting procedure).
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| *Comments/Questions:* |  |

##### Relevant Resources:

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| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ County agency
	+ Department
	+ Law enforcement official
	+ General protective services
	+ Mandated reporter
	+ School
* [23 Pa.C.S. § 6305 (relating to electronic reporting)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6313 (relating to reporting procedure)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6314 (relating to photographs, medical tests and X-rays of child subject to report)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6315 (relating to taking child into protective custody)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6316 (relating to admission to private and public hospitals)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
 | * [23 Pa.C.S. § 6317 (relating to mandatory reporting and postmortem investigation of deaths)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6320 (relating protection from employment discrimination)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6332 (relating to establishment of Statewide toll-free telephone number)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6346 (relating to cooperation of other agencies)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [Act of December 16, 1999 (P.L.971, No.69) - Electronic Transactions Act](https://www.legis.state.pa.us/WU01/LI/LI/US/PDF/2006/0/0173..PDF)
* [Act of July 9, 1976 (P.L.817, No.143) - Mental Health Procedures Act](https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1976/0/0143..HTM)
* [18 Pa.C.S. § 4906.1 (relating to false reports of child abuse)](https://www.legis.state.pa.us/WU01/LI/LI/CT/htm/18/18.htm)
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#### Protections

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| [ ] page/slide(s): | **Confidentiality of reports (23 Pa.C.S. § 6339)** -- Except as otherwise provided in subchapter C of the PA CPSL (relating to powers and duties of department) or by the Pennsylvania Rules of Juvenile Court Procedure, reports made pursuant to the PA CPSL, including, but not limited to, report summaries of child abuse and reports made pursuant to section 6313 (relating to reporting procedure) as well as any other information obtained, reports written, or photographs or X-rays taken concerning alleged instances of child abuse in the possession of DHS or a county agency shall be confidential. |
| *Comments/Questions:* |  |

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| [ ] page/slide(s): | **Release of information in confidential reports (23 Pa.C.S. § 6340)**1. *Protecting identity*– Except for reports under section 6340(a)(9) and (10) of the PA CPSL and in response to a law enforcement official investigating allegations of false reports under 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse), the release of data by DHS, county, institution, school, facility, or agency or designated agent of the person in charge that would identify the person who made a report of suspected child abuse or who cooperated in a subsequent investigation is prohibited. Law enforcement officials shall treat all reporting sources as confidential informants.
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| *Comments/Questions:* |  |

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| [ ] page/slide(s): | **Immunity from liability (23 Pa.C.S. § 6318)**1. *General rule*– A person, hospital, institution, school, facility, agency, or agency employee acting in good faith shall have immunity from civil and criminal liability that might otherwise result from any of the following:
2. Making a report of suspected child abuse or making a referral for general protective services, regardless of whether the report is required to be made under the PA CPSL.
3. Cooperating or consulting with an investigation under the PA CPSL, including providing information to a child fatality or near-fatality review team.
4. Testifying in a proceeding arising out of an instance of suspected child abuse or general protective services.
5. Engaging in any action authorized under 23 Pa.C.S. § 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).
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Immunity from liability (23 Pa.C.S. § 6318)**1. *Departmental and county agency immunity* – An official or employee of DHS or county agency who refers a report of suspected child abuse for general protective services to law enforcement authorities or provides services as authorized by the PA CPSL shall have immunity from civil and criminal liability that might otherwise result from the action.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Immunity from liability (23 Pa.C.S. § 6318)**1. *Presumption of good faith*– For the purpose of any civil or criminal proceeding, the good faith of a person required to report suspected child abuse and of any person required to make a referral to law enforcement officers under the PA CPSL shall be presumed.
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| *Comments/Questions:* |  |

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| [ ] page/slide(s): | **Protection from employment discrimination (23 Pa.C.S. § 6320)**1. *Basis for relief*– A person may commence an action for appropriate relief if all of the following apply:
2. The person is required to report suspected child abuse under section 6311 (relating to persons required to report suspected child abuse) or encouraged to report suspected child abuse under section 6312 (relating to persons encouraged to report suspected child abuse).
3. The person acted in good faith in making or causing the report of suspected child abuse to be made.
4. As a result of making the report of suspected child abuse, the person is discharged from employment or is discriminated against with respect to compensation, hire, tenure, terms, conditions, or privileges of employment.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Protection from employment discrimination (23 Pa.C.S. § 6320)**1. *Applicability*– This section does not apply to an individual making a report of suspected child abuse who is found to be a perpetrator because of the report or to any individual who fails to make a report of suspected child abuse as required under section 6311 (relating to persons required to report suspected child abuse) and is subject to conviction under section 6319 (relating to penalties) for failure to report or to refer.
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ County agency
	+ Department
	+ General protective services
	+ Law enforcement official
	+ Mandated reporter
	+ Perpetrator
	+ School
* [23 Pa.C.S. § 6305 (relating to electronic reporting)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6313 (relating to reporting procedure)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6318 (relating to immunity from liability)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
 | * [23 Pa.C.S. § 6332 (relating to establishment of Statewide toll-free telephone number)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6339 (relating to confidentiality in reports)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6340 (relating to release of information in confidential reports)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [18 Pa.C.S. § 4906.1 (relating to false reports of child abuse)](https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.049..HTM)
* [Pennsylvania Code - Title 237 Juvenile Rules](https://www.pacodeandbulletin.gov/Display/pacode?titleNumber=237&file=/secure/pacode/data/237/237toc.html&searchunitkeywords=&operator=OR&title=null)
 |

#### Penalties

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| [ ] page/slide(s): | **Penalties (23 Pa.C.S. § 6319)**1. *Failure to report or refer*–
2. A person or official required by the PA CPSL to report a case of suspected child abuse or to make a referral to the appropriate authorities commits an offense if the person or official willfully fails to do so.
3. An offense under this section is 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.
4. An offense not otherwise specified in paragraph (2) above is a misdemeanor of the second degree.
5. 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 DHS, 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 the PA CPSL.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Penalties (23 Pa.C.S. § 6319)**1. *Continuing course of action*– If a person’s willful failure to report an individual suspected of child abuse continues while the person knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the person knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual’s employment, program, activity, or service, the person commits a felony of the third degree…except that, if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the second degree.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Penalties (23 Pa.C.S. § 6319)**1. *Multiple offenses*– A person who, at the time of sentencing for an offense under this section, has been convicted of a prior offense under this section 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.
 |
| *Comments/Questions:* |  |
| [ ] page/slide(s): | **Penalties (23 Pa.C.S. § 6319)**1. *Statute of limitations*– The statute of limitations for an offense under this section shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater.
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ County agency
	+ Department
	+ Mandated reporter
* [23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
 | * [23 Pa.C.S. § 6313 (relating to reporting procedure)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6318 (relating to immunity from liability)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6319 (relating to penalties)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
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#### Disposition of Complaints Received & Responsibility for Investigation

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| [ ] page/slide(s): | **Disposition of Complaints Received (23 Pa.C.S. § 6334) & Responsibility for Investigation (23 Pa.C.S. § 6334.1)*** When a county agency or law enforcement receives a referral/report, the county agency or law enforcement official is to notify DHS/ChildLine after ensuring the immediate safety of the child and any other child(ren) in the child’s home.
* When DHS/ChildLine receives a referral/report, DHS/ChildLine will immediately evaluate and transmit the information to the appropriate agency for assessment or investigation.
	+ *Referral to county agency (CPS)* – If the suspected child abuse is alleged to have been committed by a perpetrator, DHS/ChildLine will transmit the information to the county agency where the suspected child abuse is alleged to have occurred for investigation of the allegation(s).
	+ *Referral to county agency and law enforcement officials (LEO)* – If the suspected child abuse is alleged to have been committed by a perpetrator and the behavior constituting the suspected child abuse may include a violation of a criminal offense, DHS/ChildLine will transmit the information to the appropriate law enforcement official in the county where the suspected child abuse is alleged to have occurred for a joint investigation of the allegation(s).
	+ *Referral to law enforcement officials only (LEO)* – If the person suspected of committing child abuse is not a perpetrator but the behavior constituting the suspected child abuse may include a violation of a criminal offense, DHS/ChildLine will transmit the information to the appropriate law enforcement official in the county where the suspected child abuse is alleged to have occurred for investigation of the allegation(s).
	+ *Referral to county agency (GPS)* – If the referral/report does not suggest the child is in need of protective services but suggests the child is in need of other services, DHS/ChildLine will transmit the information to the appropriate county agency for assessment of the needs of the child.
 |
| *Comments/Questions:* |  |

#### Notice to Mandated Reporter

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| [ ] page/slide(s): | **Investigation of reports (23 Pa.C.S. § 6368)**1. *Notice to mandated reporter*– If a report was made by a mandated reporter, DHS shall notify the mandated reporter who made the report of suspected child abuse of all of the following within three (3) business days of DHS’s receipt of the results of the investigation:
2. Whether the child abuse report is founded, indicated, or unfounded.
3. Any services provided, arranged for, or to be provided by the county agency to protect the child.
 |
| *Comments/Questions:* |  |

##### Relevant Resources:

|  |  |
| --- | --- |
| * [23 Pa.C.S. § 6303 (relating to definitions)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
	+ Child
	+ Child abuse
	+ County agency
	+ Department
	+ Founded report
	+ Indicated report
	+ Law enforcement official
	+ Mandated reporter
	+ Perpetrator
	+ Protective services
	+ Unfounded report
* [23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6313 (relating to reporting procedure)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6314 (relating to photographs, medical tests and X-rays of child subject to report)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6315 (relating to taking a child into protective custody)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6316 (relating to admission to private and public hospitals)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6317 (relating to mandatory reporting and postmortem investigation of deaths)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
 | * [23 Pa.C.S. § 6331 (relating to establishment of Statewide database)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6334.1 (relating to responsibility for investigation)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6340 (relating to release of information in confidential reports)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6340.1 (relating to exchange of information)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6362 (relating to responsibilities of county agency for child protective services)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6365 (relating to services for prevention, investigation, and treatment of child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6368 (relating to investigation of reports)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6370 (relating to voluntary or court-ordered services; findings of child abuse)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6371 (relating to rehabilitative services for child and family)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
* [23 Pa.C.S. § 6372 (relating to protecting well-being of children maintained outside home)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=246217912&CFTOKEN=44782272)
 |

**Key Takeaways** – document title & page/slide(s): *Click or tap here to enter text.*

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| The following is a summary of key points from the required content outlined on the previous pages that your audience should “take away” from your training and must be highlighted and/or reiterated: |
| [ ]  | The basis for reporting suspected child abuse is having “reasonable cause to suspect” a child is a victim of child abuse. |
| [ ]  | Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to identify the type of abuse they are reporting when making a report of suspected child abuse. |
| [ ]  | The PA CPSL recognizes three key components of child abuse:* + Child
	+ Act or failure to act; Recent act; Recent act or failure to act; or A series of acts or failures to act
	+ Intentionally, knowingly, or recklessly
 |
| [ ]  | A mandated reporter enumerated under section 6311(a) of the PA CPSL (relating to persons required to report suspected child abuse) must immediately make a report suspected child abuse to ChildLine, Pennsylvania’s 24/7 Child Abuse Hotline and Registry, by calling 1-800-932-0313 or electronically through the [Child Welfare Portal](https://www.compass.state.pa.us/cwis/public/home), if they have reasonable cause to suspect 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, 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.
 |
| [ ]  | Nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) requires a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. |
| [ ]  | Nothing in section 6311 of the PA CPSL (relating to persons required to report suspected child abuse) requires the mandated reporter to identify the person responsible for the child abuse in order to make a report of suspected child abuse. |
| [ ]  | Nothing in the PA CPSL requires a person who has reasonable cause to suspect a child is a victim of child abuse to consider the exclusions from child abuse in order to make a report of suspected child abuse. |
| [ ]  | A mandated reporter is presumed to have acted in good faith when making a report of suspected child abuse. |

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| --- | --- |
| *Comments/Questions:* |  |