**Department of Human Services Course Approval Outline**

**for Child Abuse Recognition and Reporting Training**

**Submission for Review Must Include:**

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| --- | --- | --- | --- |
| **Review Area** | | **Section Complete** | |
| **Yes** | **No** |
| **1. Email address and phone number contact for agency/course lead** | |  |  |
| Comment/Question: | | | |
| **2. General training description including the method of delivery** | |  |  |
| Comment/Question: | | | |
| **3. Title of the training** | |  |  |
| Comment/Question: | | | |
| **4. Timed agenda and estimated length of training** | |  |  |
| Comment/Question: | | | |
| **5. Learning Objectives** | |  |  |
| Comment/Question: | | | |
| **6. Intended Audience** | |  |  |
| Comment/Question: | | | |
| **7. All course related materials including but not limited to handouts and narrated script or talking points for training. (Required). PowerPoint and note pages, interactive activities, exercises, videos etc., if applicable** | |  |  |
| Comment/Question: | | | |
| **8. Knowledge checks, quizzes, assessment of participant understanding of the material** | |  |  |
| Comment/Question: | | | |
| **9. Citation of sources, including permission to use copyrighted material** | |  |  |
| Comment/Question: | | | |
| **10.** **Written permission to use any copyrighted materials, if applicable** | |  |  |
| Comment/Question:  **N/A** | | | |
| **11. Anticipated credentials and/or experience level of presenter or biography of presenter if known** | |  |  |
| Comment/Question: | | | |
| **12. Any printed materials used to market the training** | |  |  |
| Comment/Question: | | | |
| **13. Evaluation assessing participants satisfaction with the presentation** | |  |  |
| Comment/Question: | | | |
| **14. Documentation of attendance and training completion which must include:** | | | |
|  | **a. Title of the training** |  |  |
| **b. Date of training** |  |  |
| **c. Length of training** |  |  |
| **d. Name of presenter and signature** |  |  |
| **e. Statement affirming the participant attended the entire course (2 hours or 3 hours)** |  |  |
| **f. Course Number** |  |  |
| Comment/Question: | | | |
| **15. Online trainings—all of the above and transcript of audio training, if applicable** | |  |  |
| Comment/Question**:  N/A** | | | |
| **16. If submitting training for approval through the Department of State (DOS), identification of the ability to report continuing education credits by participant electronically. This information may be sent in an Excel spreadsheet or other similar format in accordance with the attached process titled Pennsylvania Department of State Child Abuse Training Vendor Process and must contain the following elements for each participant:** | |  |  |
|  | **a. First and last name, middle name optional** |  |  |
| **b. Last 4 of the social security number** |  |  |
| **c. Date of birth** |  |  |
| **d. Date training completed** |  |  |
| **d. License number, if already licensed** |  |  |
| **e. Course Name and number of credit hours** |  |  |
| **d. Provider License Number (which will be assigned by DOS upon initial approval)** |  |  |
| Comment/Question:  **N/A** | | | |

**Required Course Content for Child Abuse Recognition and Reporting Training**

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| --- | --- | --- |
| **Review Area** | **Section Complete** | |
| **Yes** | **No** |
| **1. Description of Child Welfare in Pennsylvania:** | | |
| 1. **Child Protective Services vs. General Protective Services.** | | |
| 1. **Description/differentiation of the two types** |  |  |
| In the Commonwealth of Pennsylvania, child welfare is state supervised and county administered.  Children, Youth and Families agencies have two essential functions: (1) Child Protective Services (CPS) (2) General Protective Services (GPS)  When a case is reported, trained professionals categorize the report as either a CPS, case, GPS case, or not needing further processing    Cases identified as CPS, require abuse investigations because the alleged act or failure to act has been identified as one of the 10 categories of abuse in the Child Protective Services Law (CPSL)  Cases identified as GPS require an assessment for services and supports. In these cases the act or failure to act is detrimental to a child but do not fall under the 10 categories of child abuse as per the CPSL. These services can assist parents in being able to recognize and correct conditions that are harmful to their children.  CPSL definitions of each:  23 Pa.C.S. §6303 (a) "Child protective services."  Those services and activities provided by the Department and each county agency for child abuse cases.  23 Pa.C.S. §6303 (a) "General protective services."  Those services and activities provided by each county agency for cases requiring protective services, as defined by the department in regulations.  Examples of CPS cases:   1. Causing bodily injury to a child through any recent act or failure to act 2. Fabricating, feigning or intentionally exaggerating or inducing medical symptoms or disease which results in 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 serious 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 t o a child through act 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 neglect of a child 8. Engaging in the following recent per se acts 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   Examples of GPS—Services to prevent the potential for harm to a child who meets one of the following conditions:  (i)   Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.  (ii)   Has been placed for care or adoption in violation of law.  (iii)   Has been abandoned by his parents, guardian or other custodian.  (iv)   Is without a parent, guardian or legal custodian.  (v)   Is habitually and without justification truant from school while subject to compulsory school attendance.  (vi)   Has committed a specific act of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision.  (vii)   Is under 10 years of age and has committed a delinquent act.  (viii)   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 in subparagraph (vi).  (ix)   Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi). | | |
| **Comment/Question:** | | |
| 1. **Definitions that must be covered:** | | |
| 1. **Components of Child Abuse** | | |
| 1. **Child** |  |  |
| § 6303. Definitions.(a) "Child." An individual under 18 years of age. |  |  |
| **Comment/Question:** | | |
| 1. **Perpetrator** |  |  |
| "Perpetrator."  A person who has committed child abuse as defined in this section. The following shall apply:  (1)  The term includes only the following:  (i)  A parent of the child.  (ii)  A spouse or former spouse of the child's parent.  (iii)  A paramour or former paramour of the child's parent.  (iv)  A person 14 years of age or older and responsible for the child's welfare or having direct contact with children as an employee of a child-care services, a school or through a program, activity or service.  (v)  An individual 14 years of age or older who resides in the same home as the child.  (vi)  An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.  (vii) 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).  (2)  Only the following may be considered a perpetrator for failing to act, as provided in this section:  (i)  A parent of the child.  (ii)  A spouse or former spouse of the child's parent.  (iii)  A paramour or former paramour of the child's parent.  (iv)  A person 18 years of age or older and responsible for the child's welfare.  (v)  A person 18 years of age or older who resides in the same home  as the child.  Note: Please note that when we talk about a perpetrator of human trafficking, we must understand that this can be anyone; therefore falling outside of the scope of the traditional definition. As soon as a case is classified as human trafficking, it is considered child abuse and the person alleged to have committed the act is an alleged perpetrator. |  |  |
| **Comment/Question:** | | |
| 1. **Inclusion of School Employees** |  |  |
| The CPSL allows for school employees to be considered perpetrators under the definition provided for “person responsible for the child’s welfare” or person “having direct contact with children.”  § 6303. Definitions:  "School employee." An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with the children.  “Person responsible for the child’s welfare.” A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision, and control  “Direct contact.” The care, supervision, guidance or control of children OR routine interaction with children. |  |  |
| **Comment/Question:** | | |
| 1. **Act or a failure to act** |  |  |
| § 6303.  Definitions.(a) "Recent act or failure to act."  Any act or failure to act committed within two years of the date of the report to the department or county agency.   |  |  |  | | --- | --- | --- | | 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. | |  |  |
| **Comment/Question:** | | |
| 1. **All categories of Child Abuse** |  |  |
| § 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 acts:  (i)  Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.  (ii)  Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.  (iii)  Forcefully shaking a child under one year of age.  (iv)  Forcefully slapping or otherwise striking a child under one year of age.  (v)  Interfering with the breathing of a child.  (vi)  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.  (vii)  Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:  (A)  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.  (B)  Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.  (C)  Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).  (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 (114 Stat. 1466, 22 U.S.C §7102).  § 6303.  (b) "Sexual abuse or exploitation."  Any of the following:  (1)  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:  (i)  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.  (ii)  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.  (iii)  Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.  (iv)  Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.  This paragraph 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.  (2)  Any of the following offenses committed against a child:  (i)  Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).  (ii)  Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).  (iii)  Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).  (iv)  Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).  (v)  Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).  (vi)  Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).  (vii)  Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).  (viii)  Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).  (ix)  Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).  (x)  Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).  (xi)  Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).  (xii)  Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).  (xiii)  Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).  **“Bodily injury."**  impairment of physical condition or substantial pain  .  **"Serious mental injury."**  A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:  (1)  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  (2)  seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.  **"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:  (1)  A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.  (2)  The failure to provide a child with adequate essentials of life, including food, shelter or medical care. |  |  |
| **Comment/Question:** | | |
| 1. **Exclusions to Child Abuse** |  |  |
| § 6304.  Exclusions from child abuse.  (a)  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 subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.  (b)  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:  (1)  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.  (2)  All correspondence with a subject of the report and the records of the department and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.  (3)  The family shall be referred for general protective services, if appropriate.  (4)  This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.  (5)  This subsection shall not apply to any child-care service as defined in this chapter, excluding an adoptive parent.  (c)  Use of force for supervision, control and safety purposes.--Subject to subsection (d), 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:  (1)  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.  (2)  The use of reasonable force is necessary:  (i)  to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;  (ii)  to prevent the child from self-inflicted physical harm;  (iii)  for self-defense or the defense of another individual; or  (iv)  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.  (d)  Rights of parents.--Nothing in this chapter 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.  (e)  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 this chapter.  (f)  Child-on-child contact.--  (1)  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.  (2)  Notwithstanding paragraph (1), the following shall apply:  (i)  Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter:  (A)  rape as defined in 18 Pa.C.S. § 3121 (relating to rape);  (B)  involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);  (C)  sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);  (D)  aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);  (E)  indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault); and  (F)  indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).  (ii)  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.  (iii)  A law enforcement official who receives a report of suspected child abuse is not required to make a report to the department under section 6334(a) (relating to disposition of complaints received), if the person allegedly responsible for the child abuse is a non-perpetrator child.  (g)  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. 23c6304v  (Dec. 18, 2013, P.L.1170, No.108,  eff. Dec. 31, 2014) |  |  |
| **Comment/Question:** | | |
| 1. **Clarify exclusion is when substantiating a report not when making a report** |  |  |
| **Comment/Question:** | | |
| 1. **Provisions and responsibilities for Reporting Suspected Child Abuse:** | | |
| 1. **Permissive reporters** |  |  |
| Persons encouraged to report suspected child abuse.  Permissive reporters may make an oral or written report of suspected child abuse, or cause a report of suspected child abuse to be made to the department, county agency or law enforcement, if that person has reasonable cause to suspect that a child(ren)is a victim of child abuse.  Please note that because permissive reporters are unable to access the electronic/CWIS system, written reports in this section refers to hand written letter, e-mails, typed correspondence, etc. |  |  |
| **Comment/Question:** | | |
| 1. **Mandated reporters** |  |  |
| § 6303 "Mandated reporter."  A person who is required by this chapter to make a report of suspected child abuse.  § 6311.  Persons required to report suspected child abuse.  (a)  Mandated reporters.--The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:  (1)  A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.  (2)  A medical examiner, coroner or funeral director.  (3)  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.  (4)  A school employee.  (5)  An employee of a child-care service who has direct contact with children in the course of employment.  (6)  A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.  (7)  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.  (8)  An employee of a social services agency who has direct contact with children in the course of employment.  (9)  A peace officer or law enforcement official.  (10)  An emergency medical services provider certified by the Department of Health.  (11)  An employee of a public library who has direct contact with children in the course of employment.  (12)  An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13), who has direct contact with children in the course of employment.  (13)  An independent contractor.  (14)  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.  (15)  A foster parent.  (16)  An adult family member who is a person responsible for the child’s welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code. |  |  |
| **Comment/Question:** | | |
| 1. **Attorneys as Mandated Reporters** |  |  |
| § 6311.  Persons required to report suspected child abuse.  (14)  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. |  |  |
| **Comment/Question:** | | |
| 1. **Privileged/confidential communications** |  |  |
| § 6311.1.  Privileged communications.  (a)  General rule.--Subject to subsection (b), the privileged communications between a  mandated reporter and a patient or client of the mandated reporter shall not:  (1)  Apply to a situation involving child abuse.  (2)  Relieve the mandated reporter of the duty to make a report of suspected child  abuse.  (b)  Confidential communications.--The following protections shall apply:  (1)  Confidential communications made to a member of the clergy are protected  under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen).  (2)  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.  23c6311.1v  (Apr. 15, 2014, P.L.414, No.32, eff. 60 days) |  |  |
| **Comment/Question:** | | |
| 1. **Reporting Process** |  |  |
| **Comment/Question:** | | |
| 1. **Mandated Reporters role related to reasonable cause to suspect vs. conducting an investigation** |  |  |
| **Comment/Question:** | | |
| 1. **Reporting without having to determine the relationship of the perpetrator to the victim child** |  |  |
| (b)  Basis to report.--  (1)  A mandated reporter enumerated in subsection (a) 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:  (i)  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.  (ii)  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.  (iii)  A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.  (iv)  An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.  (2)  Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.  **(3)  Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.**  \*\*\*It is NOT a reporter’s responsibility to determine if the person who **allegedly** committed **child abuse** or harm to a child is a perpetrator.  Note: A mandated reporter’s responsibility to report abuse continues all day, everyday in cases when(1) a specific disclosure is made that an identifiable child is the victim of child abuse and (2) when a person makes a specific disclosure to the mandated reporter that the individual has committed child abuse. |  |  |
| **Comment/Question:** | | |
| 1. **Streamlining of the reporting process** |  |  |
| 1. Direct reports by the person who suspects 2. Report immediately 3. Electronic submission of reports by mandated reporters   § 6313.  Reporting procedure.  (a)  Report by mandated reporter.--  (1)  A mandated reporter shall immediately make an oral report of suspected child  abuse to the department via the Statewide toll-free telephone number under  section 6332 (relating to establishment of Statewide toll-free telephone number)  or a written report using electronic technologies under section 6305 (relating to  electronic reporting).  (2)  A mandated reporter making an oral report under paragraph (1) of suspected  child abuse shall also make a written report, which may be submitted  electronically, within 48 hours to the department or county agency assigned to  the case in a manner and format prescribed by the department.  (3)  The failure of the mandated reporter to file the report under paragraph (2) shall not relieve the county agency from any duty under this chapter, and the county agency shall proceed as though the mandated reporter complied with paragraph (2).  \*\*\*\* Training should emphasize that reports can be made immediately either orally to ChildLine (1-800-932-0313) or through the electronic submission through the Child Welfare portal at [**www.compass.state.pa.us/cwis**](http://www.compass.state.pa.us/cwis). Oral reports are then required to be followed up within 48 hours with a written report that is sent to the investigating agency. The approved written form can be found at [www.keepkidssafe.pa.gov](http://www.keepkidssafe.pa.gov) . The form is under the forms tab (located on the left-hand side of the main page). The form is Report of Suspected Child Abuse (CY47). This is ONLY required if the report is completed orally and not done via electronic submission. If a reporter completes the electronic submission through the portal they have completed their mandated requirement without completing any other forms or notifications. |  |  |
| **Comment/Question:** | | |
| 1. **Reporting scenarios** |  |  |
| (b)  Basis to report.--  (1)  A mandated reporter enumerated in subsection (a) 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:  (i)  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.  (ii)  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.  (iii)  A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.  (iv)  An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.  (2)  Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.  (3)  Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.  (c)  Staff members of institutions, etc.--Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall report immediately in accordance with section 6313 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). This chapter does not require more than one report from any such institution, school, facility or agency.  Note: A mandated reporter’s responsibility to report abuse continues all day, everyday in cases when(1) a specific disclosure is made that an identifiable child is the victim of child abuse and (2) when a person makes a specific disclosure to the mandated reporter that the individual has committed child abuse. |  |  |
| **Comment/Question:** | | |
| 1. **To whom and how quickly reports are made** |  |  |
| **Comment/Question:** | | |
| 1. **What happens after a report is made** |  |  |
| ChildLine receives the report and determines who is to respond to the report, dependent upon the information reported, such as the identity, if known, of the person who allegedly acted to abuse or harm a child.  ChildLine will immediatelytransmit oral or electronic reports they receive to the appropriate county agency and/or law enforcement official.   * If a person identified falls under the definition of **perpetrator,** ChildLine will refer the report to the appropriate **county agency** for an investigation * If the person identified is not a perpetrator and the behavior reported includes a violation of a **crime**, ChildLine will refer the report to **law enforcement officials** * If a person identified falls under the definition of **perpetrator** and the behavior reported includes a criminal violation, ChildLine will refer the report to the appropriate **county agency** and **law enforcement officials**   If a report indicates that a child may be in need of other protective services, **ChildLine** will refer the report to the proper **county agency** to assess the needs of the child and provide services, when appropriate. |  |  |
| **Comment/Question:** | | |
| 1. **Protections for reporters** |  |  |
| § 6318.  Immunity from liability.  (a)  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:  (1)  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 this chapter.  (2)  Cooperating or consulting with an investigation under this chapter, including providing information to a child fatality or near-fatality review team.  (3)  Testifying in a proceeding arising out of an instance of suspected child abuse or general protective services.  (4)  Engaging in any action authorized 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).  (b)  Departmental and county agency immunity.--An official or employee of the department 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 this chapter shall have immunity from civil and criminal liability that might otherwise result from the action.  (c)  Presumption of good faith.--For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to section 6311 (relating to persons required to report suspected child abuse) and of any person required to make a referral to law enforcement officers under this chapter shall be presumed. 23c6318v  (Dec. 16, 1994, P.L.1292, No.151, eff. July 1, 1995; Nov. 29, 2006, P.L.1581, No.179, eff. 60 days; July 3, 2008, P.L.276, No.33, eff. 180 days; Dec. 18, 2013, P.L.1201, No.119, eff. July 1, 2014) |  |  |
| **Comment/Question:** | | |
| 1. **Penalties for Failure to Report** |  |  |
| § 6319.  Penalties.  (a)  Failure to report or refer.--  (1)  A person or official required by this chapter 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.  (2)  An offense under this section is a felony of the third degree if:  (i)  the person or official willfully fails to report;  (ii)  the child abuse constitutes a felony of the first degree or higher; and  (iii)  the person or official has direct knowledge of the nature of the abuse.  (3)  An offense not otherwise specified in paragraph (2) is a misdemeanor of the second degree.  (4)  A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter.  (b)  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 actively 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.  (c)  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 second degree or higher, the penalty for the second or subsequent offenses is a felony of the second degree.  (d)  Statute of limitations.--The statute of limitations for an offense under subsection (a) shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater. 23c6319v  (Nov. 29, 2006, P.L.1581, No.179, eff. 180 days; Apr. 15, 2014, P.L.414, No.32, eff. 60 days) |  |  |
| **Comment/Question:** | | |
| 1. **Mandated Reporters Right-to-Know** |  |  |
| §6368(h)  Notice to mandated reporter.--If a report was made by a mandated reporter under section 6313 (relating to reporting procedure), the department shall notify the mandated reporter who made the report of suspected child abuse of all of the following within three business days of the department's receipt of the results of the investigation:  (1)  Whether the child abuse report is founded, indicated or unfounded.  (2)  Any services provided, arranged for or to be provided by the  county agency to protect the child. |  |  |
| **Comment/Question:** | | |
| 1. **Recognition of Child Abuse i.e. Indicators** |  |  |
| Bodily Injury  Physical Indicators:   * Unexplained injuries * Unbelievable or inconsistent explanations of injuries * Multiple bruises in various stages of healing * Bruises located on faces, ears, necks, buttocks, backs, chests, thighs, back of legs, and genitalia * Bruises that resemble objects such as a hand, fist, belt buckle, or rope * Injuries that are inconsistent with a child’s age/developmental level * Burns   Behavioral Indicators:   * Fear of going home * Extreme apprehensiveness/vigilance * Pronounced aggression or passivity * Flinches easily or avoids being touched * Play includes abusive behavior or talk * Unable to recall how injuries occurred or account of injuries is inconsistent with the nature of the injuries * Fear of parent or caregiver   Sexual Abuse or Exploitation  Physical Indicators:   * Sleep disturbances * Bedwetting * Pain or irritation in genital/anal area * Difficulty walking or sitting * Difficultly urinating * Pregnancy * Positive testing for sexually transmitted disease or HIV * Excessive or injurious masturbation   Behavioral Indicators:   * Sexually promiscuous * Developmental age-inappropriate sexual play and/or drawings * Cruelty to others * Cruelty to animals * Fire setting * Anxious * Withdrawn   Serious Mental Injury  Physical Indicators:   * Frequent psychosomatic complaints (nausea, stomachache, headache, etc.) * Bed-wetting * Self-harm * Speech disorders   Behavioral Indicators:   * 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   Serious Physical Neglect  Physical Indicators:   * Lack of adequate medical and dental care * Often hungry * Lack of shelter * Child’s weight is significantly lower than what is normal for his/her 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   Behavioral Indicators:   * Not registered in school * Inadequate or inappropriate supervision * Poor impulse control * Frequently fatigued * Parentified behaviors |  |  |
| **Comment/Question:** | | |
| **Other Comment/Questions on Curriculum:** | | |
| 1. **Human Trafficking** |  |  |
| Discussion and examples of labor trafficking   * Labor trafficking is 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 from (frequently in factories and farms); domestic servitude (providing services within a household from 10-16 hours per day such as but not limited to: child care, cooking, cleaning, yard work, gardening, etc.)   Discussions and examples of 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 * The recruitment, harboring, transportation, provision, or obtaining of a person for labor of services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage (paying off debt through work); debt bondage (debt slavery, bonded labor or services for a debt or other obligation); or slavery (a condition compared to that of a salve in respect of exhausting labor or restricted freedom)   “Commercial Sex Act” – Any sex act on account of which anything of value is given to or received by any person  At risk youth populations for human trafficking   * Youth in the foster care system * Youth who identify as LGBTQ * Youth who are homeless or runaway * Youth with disabilities * Youth with mental health and/or substance abuse disorders * Youth with a history of sexual abuse * Youth with a history of being involved in the welfare system * Youth who identify as native or aboriginal * Youth with family dysfunction   Victim identification/warning signs to include but not limited to:   * + A youth that has been verified to be under 18 and is in any way involved in the commercial sex industry, or has a record of prior arrest for prostitution or related charges   + Has an explicitly sexual online profile   + Excessive frequenting of internet chat rooms or classified sites   + Depicts elements of sexual exploitation in drawing, poetry, or other modes of creative expression   + Frequent or multiple sexually transmitted diseases or pregnancies   + Lying about or not being aware of their true age   + Having no knowledge of personal data, such as but not limited to: age, name, and/or date of birth   + Having no identification   + Wearing sexually provocative clothing   + Wearing new clothes of any style, getting hair and/or nails done with no financial means   + Secrecy about whereabouts   + Having late nights or unusual hours   + Having a tattoo that she/she is reluctant to explain   + Being in a controlling or dominating relationship   + Not having control of own finances   + Exhibit hyper-vigilance or paranoid behaviors   + Express interest in or in relationships with adults or much older men/women |  |  |
| **Comment/Question:** Act 115 was recently enacted and now needs to be added to all approved curriculums. | | |
| **Other Comment/Questions on Curriculum:** | | |
| 1. **Notification of Substance Exposed Infants by Health Care Providers and Plans of Safe Care** |  |  |
| Act 54 of 2018 Update  **Mandatory Notification of Substance Exposed Infants by Health Care Providers**  A health care provider shall immediately give notice or cause notice to be given to the Department 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 the Department can be made to ChildLine, electronically through the Child Welfare Portal or at 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 notconstitute a child abuse report.  Supplementary Definitions:  *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 this Commonwealth, 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.  *Department* – The Department of Human Services of the Commonwealth  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.   Supplementary Definition:  *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. |  |  |
| **Comment/Question:** | | |
| **Other Comment/Questions on Curriculum:** | | |