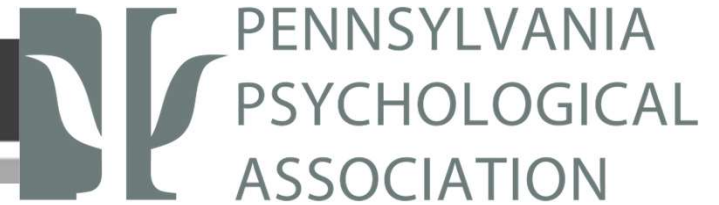


Recognizing and Reporting Suspected Child Abuse in Pennsylvania

Presented by the Pennsylvania Psychological Association

Introduction

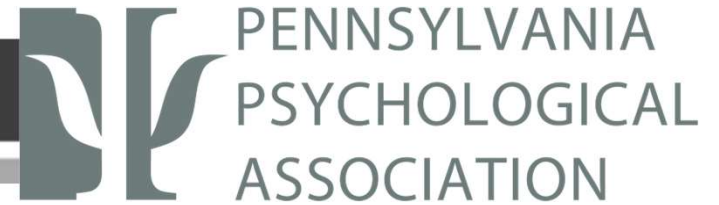


Presenters:

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Course Overview

Course Overview



Suggestion: [Agenda/Outline](#)

- I. Recognizing and Reporting Suspected Child Abuse in Pennsylvania
 - A. Course Overview
 - B. Child Welfare in Pennsylvania
 - C. Mandatory Notification of Substance Exposed Infants by Health Care Providers & Plan of Safe Care
 - D. Recognizing Suspected Child Abuse
 - E. Reporting Suspected Child Abuse
 - F. Case/Reporting Scenarios
 - G. Quiz Questions
 - H. Sources

Course Overview



Learning Objectives:

At the end of this workshop, participants will be able to:

- Explain the definition/categories of child abuse as outlined in the PA Child Protective Services Law (CPSL)
- List the common indicators of suspected child abuse
- Describe the roles and responsibilities for persons required to report suspected child abuse (mandated reporters)
- Apply the requirements and procedures for reporting suspected child abuse
- Describe the penalties for mandated reporters who willfully fail to report suspected child abuse

Course Overview



Targeted/Intended Audience

- This presentation is intended for all mandated reporters in Pennsylvania including:
 - Psychologists and other mental health professionals
 - Individuals seeking or renewing licensure in Pennsylvania
 - School staff, school contractors, school volunteers
 - Healthcare professionals

Course Overview



Approval(s)/Credit

- This 2 hour workshop:
 - Is approved by the Pennsylvania Department of Human Services (DHS) in accordance with 23 Pa.C.S. § 6383 (relating to education and training).
 - Note: Those applying for initial licensure/certification under the jurisdiction of DOS must take a 3-hour training approved by DHS.
 - Is approved by the Pennsylvania Department of State (DOS) in accordance with Act 31 of 2014 for professional licensees.
 - Note: Those renewing licensure/certification under the jurisdiction of DOS must take at least two (2) hours of training [jointly approved by DHS and DOS](#).

Disclaimers

- Upon completion of this workshop, you will receive an email with instructions to access a copy of your Certificate of Completion
- In accordance with DOS standards, Pennsylvania Psychological Association is required to electronically forward a participant's information to DOS for the participant to receive credit toward licensure or certification. Participants should contact their licensing board directly to confirm receipt. If a participant's licensing board did not receive confirmation they completed the course, the participant may need to forward their information and their Certificate of Completion to their licensing board directly.

Child Welfare in Pennsylvania

Statistics from the 2024 PA Child Protective Services Report:

In 2023, Pennsylvania received 40,301 reports of suspected child abuse and 4,720 of those reports were substantiated.

Of the substantiated incidents of child abuse in 2023:

- 34.1% (1,749) involved reports of sexual abuse
- 26.3% (1,350) involved reports of physical abuse/bodily injury
- 16.1% (827) involved reasonable likelihood of bodily injury
- 15.9% (814) involved serious physical neglect
- 3.8% (197) involved engaging in per se acts
- 1.8% (92) involved the likelihood of sexual abuse/exploitation
- 1.1% (57) involved a severe form of trafficking in persons or sex trafficking
 - 55 sex trafficking, 2 labor trafficking
- 0.8% (40) involved serious mental injury
- 0.1% (3) involved Munchausen Syndrome by proxy/medical abuse

Substantiated cases of child abuse are cases which have either been:

- **Founded** - a judicial adjudication that the child was abused; acceptance into an accelerated rehabilitative disposition program; consent decree entered in a juvenile proceeding; or granting of a final protection of abuse order. (Pennsylvania Department of Human Services, 2024, p. 9)
- **Indicated**- county agency or regional staff “find substantial evidence that abuse has occurred based on medical evidence, the child protective services investigation, or an admission by the perpetrator. (Pennsylvania Department of Human Services, 2024, p. 9).

The Pennsylvania Child Protective Services Law (CPSL)

- The [Pennsylvania Child Protective Services Law \(CPSL\) \(23 Pa.C.S. Chapter 63, Child Protective Services\)](#) 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 relevant to child abuse recognition and reporting:
 - Act 115 of 2016 (relating to human trafficking)
 - Act 54 of 2018 (relating to notification of substance-exposed infants by healthcare providers & plan of safe care)
 - Act 88 of 2019 (relating to penalties for failure to report or refer)

The Pennsylvania Child Welfare System

- The Pennsylvania child welfare system is state-supervised and county-administered.
- County children-and-youth agencies (CCYAs) have two main functions:
 1. **Child Protective Services (CPS)** – *services and activities provided by DHS and each county agency for child abuse cases*
 2. **General Protective Services (GPS)** – *services and activities provided by each county agency for cases requiring protective services as defined by DHS in regulations*

Child Protective Services (CPS):

1. Child Protective Services (CPS) –

- Cases identified as “CPS” require an investigation because the alleged act or failure to act meets the definition of child abuse.
- The PA CPSL recognizes 10 separate categories of child abuse.
 1. Causing bodily injury to a child through any recent act or failure to act
 2. Causing sexual abuse or exploitation of a child through any act or failure to act
 3. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act
 4. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act

Child Protective Services (cont.)

5. 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
6. 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
7. Causing serious physical neglect of a child
8. Engaging in a specific recent “per se” act
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

General Protective Services (GPS)

2. General Protective Services (GPS) – *services and activities provided by each county agency for cases requiring protective services*

- 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.

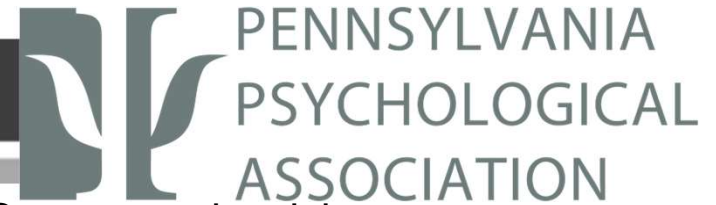
General Protective Services (cont.)

- Examples of GPS Cases -- Services to prevent the potential for harm to a child who meets one of the following conditions:
 - Is without 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
 - Is under 10 years of age and has committed a delinquent act

General Protective Services (cont.)

- 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
 - 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 ungovernable
 - Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment) and who commits an act which is ungovernable
- CCYAs must make reasonable efforts, prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from their home and to make it possible for the child to return to the home

Child Welfare in Pennsylvania



In 2023, Pennsylvania received a total of 90,317 valid GPS concerns involving:

- Caregiver substance use (16,338)
- Conduct by caregiver that places child at risk or fails to protect child (10,553)
- Child behavioral health/intellectual disability concerns (10,345)
- Experiencing homelessness/inadequate housing (8,875)
- Truancy/educational neglect (6,933)
- Domestic violence (6,441)
- Inadequate basic needs (6,142)
- Caregiver behavioral health/intellectual disability concerns (6,110)
- Inappropriate discipline (3,932)
- Lack of supervision (3,727)
- Other (3,641)
- Inadequate health care (2,546)
- Child substance use disorder (1,539)
- Child acting out sexually (1,408)
- Abandonment/lack of caregiver (1,294)
- Child under 1 year old who has withdrawal/born affected by drug exposure (424)
- Isolation (39)
- Adoption disruption/dissolution (26)
- Child under 1 year old who is identified as having fetal alcohol spectrum disorder (3)
- Placed for care/adoption in violation of law (1)

(Pennsylvania Department of Human Services, 2024)

Mandatory Notification of Substance Affected Infants by Health Care Providers & Plan of Safe Care

(Act 54 of 2018)

Mandatory Notification of Substance Affected Infants by Health Care Providers

- 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](#) 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.

Mandatory Notification of Substance Affected Infants by Health Care Providers (cont.)

- ***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

Plan of Safe Care (cont.)

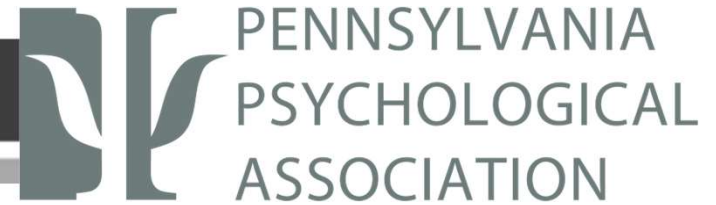
- After notification of a child born affected by substance use or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder:
 - A multidisciplinary team meeting must be held prior to the child's discharge from the health care facility.
 - The meeting will inform an 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.

Plan of Safe Care (cont.)

- ***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.

Recognizing Child Abuse

Recognizing Child Abuse



Key Components of Child Abuse

- **Child:** An individual under 18 years of age
- **Recent act; Act or failure to act; Recent act or failure to act; 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 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

Recognizing Child Abuse



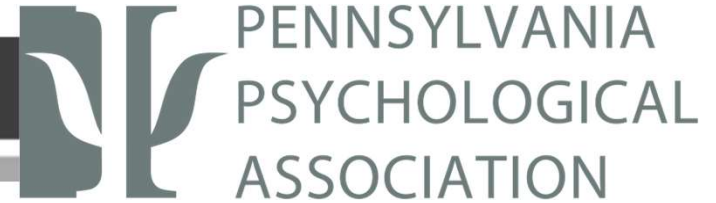
Perpetrator

An individual who has committed child abuse as defined under section 6303(b.1) of the PA CPSL.

An individual may be a perpetrator through an act or a failure to act.

NOTE: Nothing under 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.

Recognizing Child Abuse



Perpetrator (cont.)

- 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
 - An individual 14 years of age or older who is responsible for the child's welfare or has direct contact with children as an employee of childcare 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

Perpetrator (cont.)

- 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
 - An individual 18 years of age or older who is responsible for the child's welfare
 - An individual 18 years of age or older who resides in the same home as the child

Recognizing Child Abuse



Perpetrator's Relationship to Child	Commission (Act)?	Omission (Failure to Act)?
Parent of the child	YES	YES
Spouse or former spouse of child's parent	YES	YES
Paramour or former paramour of the child's parent	YES	YES
Person 14 years of age or older who is 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	YES	YES, for those 18 or older and responsible for the child's welfare
An individual 14 years of age or older who resides in the same home as the child	YES	YES, 18 or older
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 of the child	YES	NO
An individual 18 years 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	YES	NO

Definition of Child Abuse

Child abuse: 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) Causing the death of the child through any act or failure to act

Definition of Child Abuse (cont.)

Child abuse: Intentionally, knowingly, or recklessly doing any of the following:

- 9) 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
- 10) Engaging in any of the following recent “per se” 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 the violation is being investigated by law enforcement

Definition of Child Abuse (cont.)

Child abuse: Intentionally, knowingly, or recklessly doing any of the following:

10) Engaging in any of the following recent “per se” acts (cont.):

- 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)
 - D. 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)

Categories of Child Abuse Further Defined/Discussed:

- **Per Se Acts**
- **Fabricating, feigning, or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment**
- **Bodily injury**
- **Serious mental injury**
- **Serious physical neglect**
- **Sexual abuse or exploitation**
- **Severe forms of trafficking in persons**
- **Sex trafficking**
- **Causing the death of a child**

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed:

Per Se Acts

- The act, in itself, constitutes child abuse
- Per se acts mean that merely committing the act would mean that child abuse has occurred.

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed:

Per Se Acts Include any of the Following Acts:

- Engaging in any of the following recent acts:
 - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - Forcefully shaking a child under one year of age.
 - Forcefully slapping or otherwise striking a child under one year of age.
 - Interfering with the breathing of a child.
 - 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.

Categories of Child Abuse Further Defined/Discussed:

Per Se Acts Include any of the Following Acts (cont.):

- 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)
 - (D) 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)

Categories of Child Abuse Further Defined/Discussed:

Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment

- It may otherwise be recognized that Munchausen by proxy, falls under this category of child abuse.
- Munchausen by proxy is also known as caregiver fabricated treatment or pediatric illness falsification. These last two terms are less frequently used but are designed to focus attention on the child instead of the mental state of the caregiver (APSAC Taskforce, 2018).

Categories of Child Abuse Further Defined/Discussed:

Bodily injury: The CPSL defines bodily injury as “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

The CPSL defines serious bodily injury as “bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ”

NOTE: Although the CPSL also defines “serious bodily injury,” only causing or creating a reasonable likelihood of *bodily injury* to a child is considered child abuse.

Categories of Child Abuse Further Defined/Discussed:

Bodily Injury (cont.)

Risk of Death—AHT in Children Under 2

- Although the risk of bodily injury/physical abuse increases as children age, the risk of death from bodily injury/physical abuse is highest for children under the age of two.
- Head injuries (called abusive head traumas or AHTs) are the most common cause of child fatality. Shaken baby syndrome is one form of AHT (Brown, Yilandi & Rabbit, 2024).

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed: Bodily injury (cont.)

Physical Discipline/Corporal Punishment

- Mandated reporters may encounter situations where they will need to determine, based on their training/experience and all known circumstances but also recognizing personal feelings and biases, whether the physical discipline/corporal punishment a child has received rises to the level of suspected child abuse. (See 18 Pa.C.S. § 509)
- The PA CPSL does not restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children. (23 Pa.C.S. § 6302(c))
- The PA CPSL also recognizes that 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. (23 Pa.C.S. § 6303(c))

Categories of Child Abuse Further Defined/Discussed:

Bodily injury (cont):

Recognizing Bodily Injury/Physical Abuse

- Some indicators of bodily injury/physical abuse may be more apparent than others, such as injury that is physically visible on the child's body, while other indicators may be present in the child's behaviors.
- With this in mind, it may also be important to consider the child's typical behaviors and overall health, development, and well-being as well as the family situation and relevant history or similar prior incidents, if known.

Categories of Child Abuse Further Defined/Discussed:

Bodily injury (cont.):

Indicators of Bodily Injury

- Extreme apprehensiveness/vigilance
- Pronounced aggression or passivity
- Flinches easily or avoids being touched
- Changes in eating and sleeping habits
- Play includes abusive talk or behavior
- Unexplained injuries (such as burns, bites, bruises, broken bones, black eyes)
- 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
- 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
- Multiple bruises in various stages of healing
- Fear of going home
- Fear of parent/caregiver
- Abuses animals/pets

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed:

Bodily injury (cont.):

Consider Bodily Injury/Physical Abuse When:

With consideration of the indicators that a child may present, there may also be reasonable cause to suspect a child is a victim of bodily injury/physical abuse if the suspected person responsible (Prevent Child Abuse America, 2018):

- Offers conflicting, unconvincing, or no explanation for the child's injury or provides an explanation that is not consistent with the injury
- Shows little concern for the child
- Sees the child as entirely bad, burdensome, or worthless
- Uses harsh (or what any person would consider unreasonable/disproportionate) physical discipline with the child
- Has a history of abusing animals or pets

Categories of Child Abuse Further Defined/Discussed:

Serious mental injury: The CPSL defines serious mental injury as a psychological condition, as diagnosed by a physician or licensed psychologist, including 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.

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed:

Serious mental injury (cont.):

Indicators of Serious Mental Injury

- Expressing feelings of inadequacy
- Fearful of trying new things
- Overly compliant or demanding
- Extremely passive or aggressive
- Poor peer relationships or inability to develop emotional bonds with others
- Excessive dependence on adults
- Habit disorders (sucking, rocking, etc.)
- Either inappropriately adult (e.g., parenting other children) or inappropriately infantile (e.g., frequently rocking or head-banging)
- Is delayed in physical or emotional development
- Eating disorders
- Frequent psychosomatic complaints (nausea, stomachache, headache, etc.)
- Self-harm, depression, or suicidal thoughts
- Speech disorders
- Bed-wetting

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed:

Serious mental injury (cont.):

Consider Serious Mental Injury When:

With consideration of the indicators a child may present, there may also be reasonable cause to suspect a child is a victim of serious mental injury/emotional maltreatment if the suspected person responsible:

- Constantly blames, belittles, or berates the child
- Describes the child negatively
- Overtly rejects the child

(Prevent Child Abuse America, 2016)

Categories of Child Abuse Further Defined/Discussed: Serious mental injury (cont.):

- Child emotional abuse is a form of trauma that can cause damage to a child's developing brain, leading to long-term learning difficulties, problematic behaviors, and increased incidences of physical and mental health issues.
- During childhood, victims of emotional abuse might experience a delay in their developmental progress.
- The long-term consequences of emotional abuse are also severe and far reaching, including an increased risk for a lifelong pattern of depression, estrangement, anxiety, low self-esteem, inappropriate or troubled relationships, or a lack of empathy

(Prevent Child Abuse America, 2016)

Categories of Child Abuse Further Defined/Discussed:

Serious physical neglect: The CPSL defines serious physical neglect as 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

Categories of Child Abuse Further Defined/Discussed: Serious physical neglect (cont.):

Indicators of Serious Physical Neglect:

- Not registered in school or is frequently absent from school
- Beggars or steals food or money
- Inadequate or inappropriate supervision (no one is at home)
- Poor impulse control
- Frequently fatigued
- Parentified behaviors
- Lack of adequate medical care, dental care, immunizations, or glasses
- Poor hygiene (consistently dirty, has severe body odor)
- Lack of shelter
- Weight is significantly lower than normal for 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
- Often hungry

Categories of Child Abuse Further Defined/Discussed: Serious physical neglect (cont.):

Consider Physical Neglect When:

With consideration of the indicators that a child may present, there may also be reasonable cause to suspect a child is a victim of serious physical neglect if the child's parent or caregiver (Tracy, 2018b):

- Appears to be indifferent to the child
- Seems apathetic or depressed
- Behaves irrationally or in a bizarre manner
- Abuses alcohol or other drugs

Categories of Child Abuse Further Defined/Discussed:

Serious physical neglect (cont.):

- In addition, abuse could occur through inadequate supervision, such as repeatedly leaving a young child at home without supervision by an adult or an older child.
- In Pennsylvania, there is no set minimum age to leave a child at home unsupervised. As such, no fixed age limits can be established to determine when lack of supervision occurs in all situations.
- Instead, the mandated reporter needs to consider the context in which the lack of supervision occurs such as the degree of danger to the child, the child's level of comfort in being left alone, the developmental age and abilities of the child, the child's understanding of safety protocols, and other factors (DiSanto, 2023).

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed:

Sexual Abuse or Exploitation:

“Sexual abuse or exploitation” is further defined under section 6303(a) of the CPSL and must be considered when assessing suspected child abuse. The definition also includes certain crimes/offenses against a child. We will address both parts of the definition in more detail.

Categories of Child Abuse Further Defined/Discussed:

Sexual abuse or exploitation: The definition of sexual abuse or exploitation under the CPSL includes 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

NOTE: 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.

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

The definition of sexual abuse or exploitation under the CPSL includes any of the following crimes when committed against a child:

- Rape as defined in 18 Pa.C.S. § 3121
- Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1
- Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123
- Sexual assault as defined in 18 Pa.C.S. § 3124.1
- Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2
- Aggravated indecent assault as defined in 18 Pa.C.S. § 3125
- Indecent assault as defined in 18 Pa.C.S. § 3126
- Indecent exposure as defined in 18 Pa.C.S. § 3127
- Incest as defined in 18 Pa.C.S. § 4302
- Prostitution as defined in 18 Pa.C.S. § 5902
- Sexual abuse as defined in 18 Pa.C.S. § 6312
- Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318
- Sexual exploitation as defined in 18 Pa.C.S. § 6320

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Reporting of the Crimes:

It is not the obligation of the mandated reporter to determine if one of these crimes has occurred. Instead, if the mandated reporters suspect that these crimes occurred, then they should report their suspicions. Furthermore, because the definition of sexual abuse and exploitation in the Child Protective Services Law is broader than this list of specific offenses, a child may be a victim of child abuse even if the crimes alleged did not actually occur. A finding of abuse may occur without a criminal conviction. When in doubt, the mandated reporter should err on the side of reporting suspected abuse.

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Institutional Sexual Assault (18 Pa.C.S. § 3124.2):

“Institutional sexual assault” includes when a person who is a volunteer or an employee of a school, or any other person who has direct contact with a student at a school, engages in sexual intercourse, deviate sexual intercourse, or indecent contact with a student of the school regardless of consent (a.5).

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Intentionally Viewing Child Pornography:

An adult who intentionally views child pornography is committing sexual abuse. The CPSL's definition of "sexual abuse or exploitation" includes an offense of child pornography under 18 Pa.C.S. § 6312(d) (relating to sexual abuse of children) which prescribes that any person who intentionally views or knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act commits an offense.

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Intentionally Viewing Child Pornography (cont.):

Furthermore, [18 Pa.C.S. § 6312](#) (g) defines the following words and phrases:

- **"Intentionally views."** The deliberate, purposeful, voluntary viewing of material depicting a child under 18 years of age engaging in a prohibited sexual act or in the simulation of such act. The term shall not include the accidental or inadvertent viewing of such material.
- **"Prohibited sexual act."** Sexual intercourse as defined in section 3101 (relating to definitions), masturbation, sadism, masochism, bestiality, fellatio, cunnilingus, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction.

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Sexting:

Though Pennsylvania criminal law does not explicitly recognize the term “sexting”, a minor commits a criminal offense under 18 Pa C.S. § 6321 (relating to transmission of sexually explicit images by minor) if the minor:

- Knowingly transmits, distributes, publishes, or disseminates an electronic communication containing a sexually explicit image of [them]self.
- Knowingly possesses or knowingly views a sexually explicit image of a minor who is 12 years of age or older.
- Knowingly transmits, distributes, publishes, or disseminates an electronic communication containing a sexually explicit image of another minor who is 12 years of age or older.
- Makes a visual depiction of any minor in a state of nudity without the knowledge and consent of the depicted minor, with the intent to coerce, intimidate, torment, harass, or otherwise cause emotional distress to the minor.
- Transmits, distributes, publishes, or disseminates a visual depiction of any minor in a state of nudity without the knowledge and consent of the depicted minor with the intent to coerce, intimidate, torment, harass, or otherwise cause emotional distress to another minor.

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Sexting (cont.):

This section excludes:

- (1) conduct that involves images that depict sexual intercourse, deviate sexual intercourse, or penetration, however slight, of the genitals or anus of a minor, masturbation, sadism, masochism, or bestiality as well as
- (2) conduct that involves a sexually explicit image of a minor if the image was taken, made, used, or intended to be used for, or in furtherance of, a commercial purpose.

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Indicators of Sexual Abuse or Exploitation:

- Sexually promiscuous
- Cruelty to others
- Cruelty to animals
- Fire setting
- Withdrawn
- Sleep disturbances
- Bedwetting or nightmares
- Pain or irritation in genital/anal area (including bleeding, bruising or swelling)
- Difficulty walking or sitting
- Difficulty urinating
- Excessive or injurious masturbation
- Sudden change in appetite
- Attaches very quickly to stranger or new adults
- Pregnancy
- Positive testing for sexually-transmitted disease(s) (e.g., HIV)
- Developmental age-inappropriate sexual play and/or drawings
- Runs away
- Anxious

Categories of Child Abuse Further Defined/Discussed: Sexual Abuse or Exploitation (cont.):

Consider Sexual Abuse or Exploitation When:

With consideration of the indicators a child may present, there may also be reasonable cause to suspect a child is a victim of sexual abuse or exploitation if the suspected person responsible (RAINN, 2024):

- Tries to be the child's friend rather than assume an adult role
- Makes up excuses to be alone with the child
- Talks with the child about the adult's personal problems or relationships

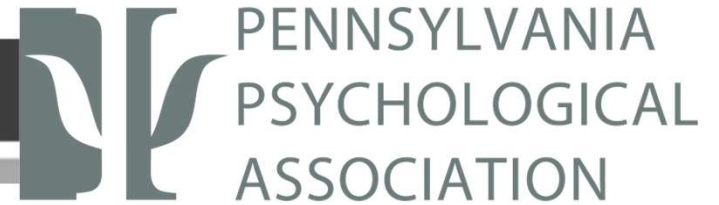
Categories of Child Abuse Further Defined/Discussed:

Sexual Abuse or Exploitation (cont.):

Sexual Abuse vs. Sexual Play or Activity:

It can be hard to determine when child sexual play or activity crosses the line from developmental age-appropriate behavior to suspected child abuse. While some sexual play or activity may be appropriate for the child's developmental age, there may be reasonable cause to suspect child abuse if other factors/indicators are present. Some factors to consider are the nature of the sexual play or activity, its frequency, and the relationship between the children. Was there force or the threat of force? Was there a large difference in the age (or a large difference in maturity or cognitive ability) between the children?

Recognizing Child Abuse



Age of Child	Ability to Consent*
12 years old	A child under the age of 14 cannot legally consent to engaging in sexual contact as defined by 18 Pa.C.S. Chapter 31. Therefore, you must report child abuse.
14 to 15 years old	Where children are 14-15, they can legally consent to sexual contact so long as the person with whom the child is having sexual contact is less than four years older (14->17, 15->17). No report of child abuse must be made. Where children are 14-15, they cannot legally consent to sexual contact with a person who is 4 or more years older than the child. Therefore, you must report child abuse. It is sexual abuse for children for any child who is 14 to 15 years of age to have sexual relationships with any partner, regardless of age, if the relationship involves coercion, exploitation, persuasion, or inducement. Therefore, you must report child abuse.

*See relevant offenses in Chapter 18 (Crimes Code) of Pennsylvania statutes

Recognizing Child Abuse

Age of Child	Ability to Consent*
16 years old or older	Where children are 16 or 17 they can legally consent to sexual contact. It is sexual abuse for children for any child who is 16 or 17 years of age to have sexual relationships with any partner, regardless of age, if the relationship involves coercion, exploitation, persuasion, or inducement. Therefore, you must report child abuse.

*See Sexual abuse or exploitation' as defined in 23 Pa.C.S. § 6303

Categories of Child Abuse Further Defined/Discussed: Severe forms of trafficking in persons

- **Severe forms of trafficking in persons** (Act 115 of 2016)
 - 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

Categories of Child Abuse Further Defined/Discussed:

Severe forms of trafficking in persons (cont.):

- **Severe forms of trafficking in persons** (Act 115 of 2016) (cont.)
 - 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, 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

Categories of Child Abuse Further Defined/Discussed:

Severe forms of trafficking in persons (cont.):

- **Severe forms of trafficking in persons** (Act 115 of 2016) (cont.)
 - **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.

Categories of Child Abuse Further Defined/Discussed:

Severe forms of trafficking in persons (cont.):

Indicators/Warning Signs:

- 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
- Is found in a hotel, street track, truck stop, or strip club
- Has no identification or knowledge of personal data, such as but not limited to: age, name, and/or date of birth
- Lies about or is not aware of their true age or identity
- Does not have insurance or control over own finances

Categories of Child Abuse Further Defined/Discussed:

Severe forms of trafficking in persons (cont.):

Indicators/Warning Signs (cont.):

- 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, 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
- In a controlling or dominating relationship
- Avoids answering questions and lets someone else speak for them

Categories of Child Abuse Further Defined/Discussed:

Severe forms of trafficking in persons (cont.):

Indicators/Warning Signs (cont.):

- 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
- Unexplained injuries and/or unbelievable or inconsistent explanations of injuries
- 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"

Recognizing Child Abuse



Categories of Child Abuse Further Defined/Discussed:

Severe forms of trafficking in persons (cont.):

At-Risk Youth Populations

Including, but not limited to, youth:

- In the foster care system
- Who identify as LGBTQ+
- Who are homeless or 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

Categories of Child Abuse Further Defined/Discussed:

Causing the death of the child

The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

- Causing the death of a child through any act or failure to act. (23 Pa. C. S. § 6303 (b.1)(9).

Risk & Protective Factors:

- **Risk Factors for Victimization**
 - Individual
- **Risk Factors for Perpetration**
 - Individual
 - Family
 - Community
- **Protective Factors**
 - Individual
 - Family
 - Community

Centers for Disease Control and Prevention (2022)

Risk & Protective Factors:

Risk Factors for Victimization

- **Individual Risk Factors**
 - Children younger than 4 years of age
 - Children with special needs that may increase caregiver burden (e.g., disabilities, mental health issues, and chronic physical illnesses)

Centers for Disease Control and Prevention (2022)

Risk & Protective Factors:

Risk Factors for Perpetration:

- **Individual Risk Factors**

- Caregivers with drug or alcohol issues
- Caregivers with mental health issues, including depression
- Caregivers who don't understand children's needs or development
- Caregivers who were abused or neglected as children
- Caregivers who are young or single parents or parents with many children
- Caregivers with low education or income
- Caregivers experiencing high levels of parenting stress or economic stress
- Caregivers who use spanking and other forms of corporal punishment for discipline
- Caregivers in the home who are not a biological parent
- Caregivers with attitudes accepting of or justifying violence or aggression

Risk & Protective Factors:

Risk Factors for Perpetration:

- **Family Risk Factors**
 - Families that have household members in jail or prison
 - Families that are isolated from and not connected to other people (extended family, friends, neighbors)
 - Families experiencing other types of violence, including relationship violence
 - Families with high conflict and negative communication styles

Centers for Disease Control and Prevention (2022)

Recognizing Child Abuse



Risk & Protective Factors:

Risk Factors for Perpetration:

- **Community Risk Factors**

- Communities with high rates of violence and crime
- Communities with high rates of poverty and limited educational and economic opportunities
- Communities with high unemployment rates
- Communities with easy access to drugs and alcohol
- Communities where neighbors don't know or look out for each other and there is low community involvement among residents
- Communities with few community activities for young people
- Communities with unstable housing and where residents move frequently
- Communities where families frequently experience food insecurity

Centers for Disease Control and Prevention (2022)

Risk & Protective Factors:

Protective Factors for Child Abuse and Neglect:

Protective factors may lessen the likelihood of children being abused or neglected. Identifying and understanding protective factors are equally as important as understanding risk factors.

- **Individual Protective Factors**

- Caregivers who create safe, positive relationships with children
- Caregivers who practice nurturing parenting skills and provide emotional support
- Caregivers who can meet basic needs of food, shelter, education, and health services
- Caregivers who have a college degree or higher and have steady employment

Centers for Disease Control and Prevention (2022)

Risk & Protective Factors:

Protective Factors for Child Abuse and Neglect (cont.):

- **Family Protective Factors**

- Families with strong social support networks and stable, positive relationships with the people around them
- Families where caregivers are present and interested in the child
- Families where caregivers enforce household rules and engage in child monitoring
- Families with caring adults outside the family who can serve as role models or mentors

Centers for Disease Control and Prevention (2022)

Risk & Protective Factors:

Protective Factors for Child Abuse and Neglect (cont.):

- **Community Protective Factors**
 - Communities with access to safe, stable housing
 - Communities where families have access to high-quality preschool
 - Communities where families have access to nurturing and safe childcare
 - Communities where families have access to safe, engaging after school programs and activities
 - Communities where families have access to medical care and mental health services
 - Communities where families have access to economic and financial help
 - Communities where adults have work opportunities with family-friendly policies

Centers for Disease Control and Prevention (2022)

Recognizing Child Abuse



Exclusions from Child Abuse (23 Pa.C.S. § 6304)

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).

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.
- Exclusions from child abuse are considered/determined by DHS or the investigating agency after receipt of a referral/report.

Recognizing Child Abuse



Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

- 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 exclusion shall not apply to any childcare service (excluding an adoptive parent).

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

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 – and 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 DHS and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

b) Practice of religious beliefs (cont.)

- 3) The family shall be referred for general protective services, if appropriate.
- 4) This exclusion shall not apply if the failure to provide needed medical or surgical care causes the death of the child.
- 5) This exclusion shall not apply to any childcare service (excluding an adoptive parent).

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

c) 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:

- 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.

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

c) Use of force for supervision, control, and safety purposes (cont.)

- 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.

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

- d) **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.

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

- 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 under the PA CPSL.

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

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) above, the following shall apply:
 - i. Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of the PA CPSL:
 - A. Rape as defined in 18 Pa.C.S. § 3121
 - B. Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123
 - C. Sexual assault as defined in 18 Pa.C.S. § 3124.1
 - D. Aggravated indecent assault as defined in 18 Pa.C.S. § 3125
 - E. Indecent assault as defined in 18 Pa.C.S. § 3126
 - F. Indecent exposure as defined in 18 Pa.C.S. § 3127

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

f) Child-on-child contact (cont.)

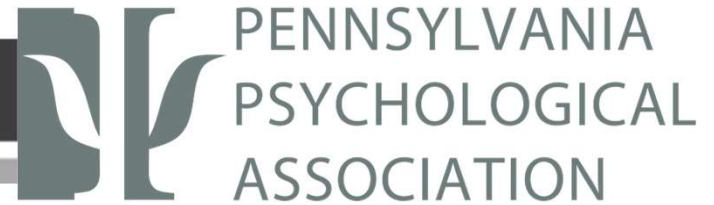
- 1) Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator.
- 2) Notwithstanding paragraph (1) above, the following shall apply: (cont.)
 - ii. No child shall be deemed to be a perpetrator 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 DHS if the person allegedly responsible for the child abuse is a non-perpetrator child.

Exclusions from Child Abuse (23 Pa.C.S. § 6304) (cont.)

- 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.

Reporting Suspected Child Abuse

Reporting Suspected Child Abuse



Reasonable Cause to Suspect

- "Reasonable cause to suspect" may be a determination you make based on your training/experience and all known circumstances – to include “who”, “what”, “how”, and “when”, 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.). It is also important to recognize how your feelings and personal biases may influence your conclusions and actions.
- Some indicators may be more apparent than others depending on the type of abuse and/or depending on the child's health, development, and well-being, as well as may be physically visible on the child's body while other indicators may be present in the child's behaviors. It is also worth acknowledging that some indicators may overlap and suggest a child is a victim of more than one type of child abuse.

Reporting Suspected Child Abuse



Persons Encouraged to Report (23 Pa.C.S. § 6312)

Any person may, and is strongly encouraged to, make an oral (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.

Reporting Suspected Child Abuse



Persons Required to Report (23 Pa.C.S. § 6311)

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 (DOS)
- 2) A medical examiner, coroner, or funeral director
- 3) An employee of a health care facility or provider licensed by the Department of Health (DOH) 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) An independent contractor
- 7) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer, or spiritual leader of any regularly established church or other religious organization

Reporting Suspected Child Abuse

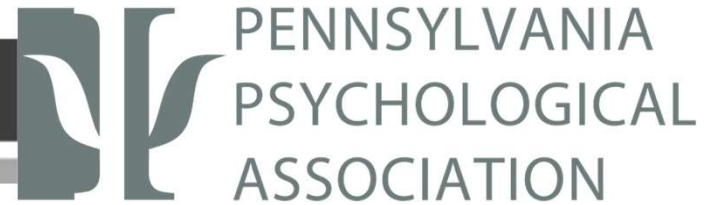


Persons Required to Report (23 Pa.C.S. § 6311) (cont.)

Mandated reporters (cont.)

- 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 DOH
- 12) An employee of a public library who has direct contact with children in the course of employment
- 13) An individual supervised or managed by a person listed immediately above (including any person listed on the previous slide) who has direct contact with children in the course of employment

Reporting Suspected Child Abuse

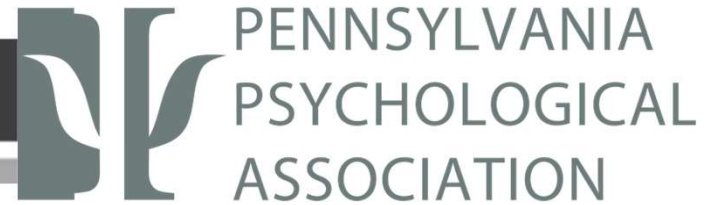


Persons Required to Report (23 Pa.C.S. § 6311) (cont.)

Mandated reporters (cont.)

- 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 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)

Reporting Suspected Child Abuse



Persons Required to Report (23 Pa.C.S. § 6311) (cont.)

Basis to Report -- A mandated reporter enumerated in section 6311(a) of the PA CPSL shall make a report of suspected child abuse if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- 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

Reporting Suspected Child Abuse

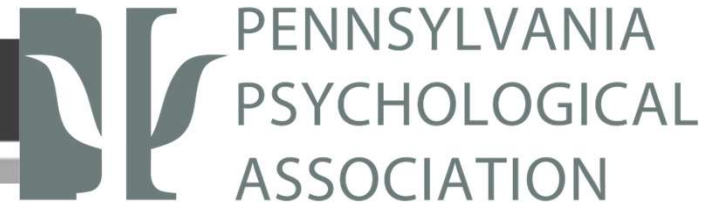


Persons Required to Report (23 Pa.C.S. § 6311) (cont.)

Basis to Report (cont):

- Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter in order to make a report of suspected child abuse.
- Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse in order to make a report of suspected child abuse.

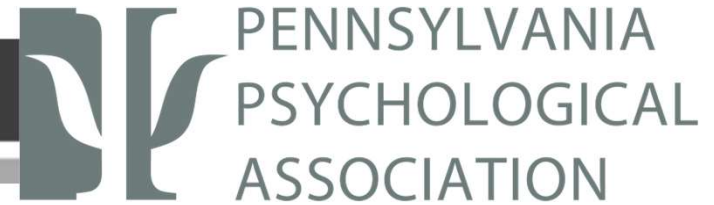
Reporting Suspected Child Abuse



- Please note, even if a mandated reporter is "off the clock", they are required to report suspected child abuse if: a person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse; or a person 14 years of age or older makes a specific disclosure to the mandated reporter that they have committed child abuse.
- For example, a healthcare professional must make a report of suspected child abuse if a person over the age of 14 informed the healthcare professional that they forcefully slapped an infant under the age of one to keep the infant quiet, even if the person was not patient/client of the health care professional - or even if the person was a patient/client of the healthcare professional but the person's disclosure was made while the healthcare professional was "off the clock" (or was not in their capacity as a healthcare professional).

- Please note: it is not the reporter's responsibility to do any of the following in order to make a report of suspected child abuse:
 - Conduct an investigation
 - Identify or name the person who allegedly committed child abuse or harm to a child
 - Determine if the person who allegedly committed child abuse or harm to a child meets the definition of "perpetrator" as defined.

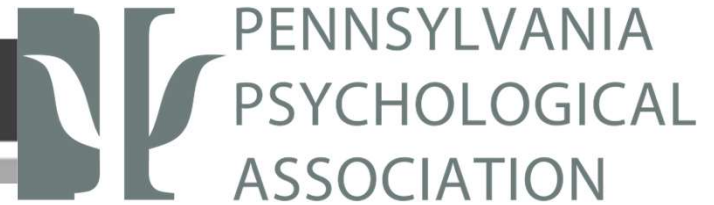
Reporting Suspected Child Abuse



There may also be instances where the child suspected or alleged to be a victim of child abuse is an adult (18 years of age or older) at the time of disclosure.

- Mandated reporters may report abuse reported by a person who is an adult; and the possibility of such a report needs to be considered if the perpetrator has access to vulnerable children.
- Nonetheless, the mandate to report abuse is only triggered if the victim is currently under the age of 18
- DHS-OCYF maintains its position to support the reporting of alleged/suspected child abuse to protect all children. A mandated reporter who has reasonable cause to suspect a child is a victim of child abuse shall make a report to ChildLine.
- Furthermore, a mandated reporter who is unsure whether a specific situation/scenario meets the mandatory reporting requirements of the CPSL should consult with their agency/organization's legal counsel when making these evaluations.
- It is strongly encouraged child abuse of a suspected or alleged victim who is over the age of 18 at the time of disclosure be reported, if there is reason to suspect the person who allegedly committed child abuse or harm to a child could still have access to and pose a risk to children.

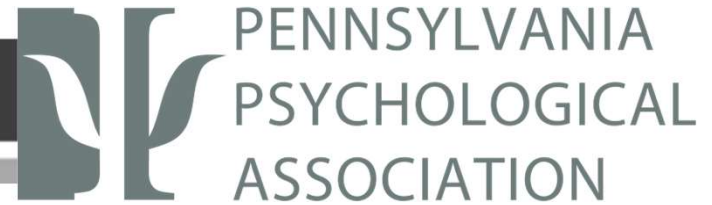
Reporting Suspected Child Abuse



Persons Required to Report (23 Pa.C.S. § 6311) (cont.)

- c) 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.

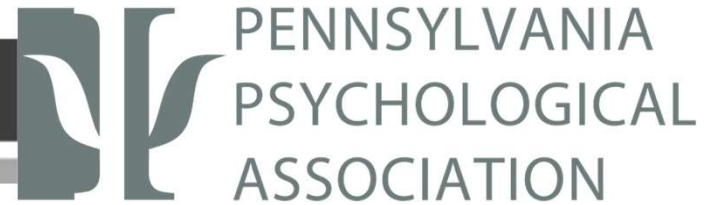
Reporting Suspected Child Abuse



Privileged Communications (23 Pa.C.S. § 6311.1)

- 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.

Reporting Suspected Child Abuse



Reporting Procedure (23 Pa.C.S. § 6313)

a) Report by mandated reporter --

- 1) A mandated reporter shall immediately make an oral report of suspected child abuse to DHS via the Statewide toll-free telephone number ([1-800-932-0313](tel:1-800-932-0313)) or a written report using electronic technologies via the self-service [Child Welfare Portal](#).
- 2) A mandated reporter making an oral report of suspected child abuse to the DHS via the Statewide toll-free telephone number shall also make a written report ([CY-47](#)), which may be submitted electronically, within 48 hours to DHS or county agency assigned to the case in a manner and format prescribed by DHS.
- 3) The failure of the mandated reporter to file the written report ([CY-47](#)) described in the paragraph immediately above 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.

Reporting Suspected Child Abuse



Reporting Procedure (23 Pa.C.S. § 6313) (cont.)

- b) Contents of report** -- A written report of suspected child abuse, which may be submitted electronically, shall include the following information, if known:
- 1) The names and addresses of the child, the child's parents, and any other person responsible for the child's welfare
 - 2) Where the suspected abuse occurred
 - 3) The age and sex of each subject of the report
 - 4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child
 - 5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual
 - 6) Family composition

Reporting Suspected Child Abuse



Reporting Procedure (23 Pa.C.S. § 6313) (cont.)

- b) Contents of report** -- A written report of suspected child abuse, which may be submitted electronically, shall include the following information, if known: (cont.)
- 7) The source of the report
 - 8) The name, telephone number and e-mail address of the person making the report
 - 9) 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)
 - 10) Any other information required by Federal law or regulation
 - 11) Any other information that DHS requires by regulation

Reporting Suspected Child Abuse



Reporting Procedure (23 Pa.C.S. § 6313) (cont.)

- e) **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.

Reporting Suspected Child Abuse



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.

1-800-932-0313

Reporting Suspected Child Abuse



Electronic Reporting (23 Pa.C.S. § 6305)

- b) **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 or written report of suspected child abuse, subject to section 6313 (relating to reporting procedure).

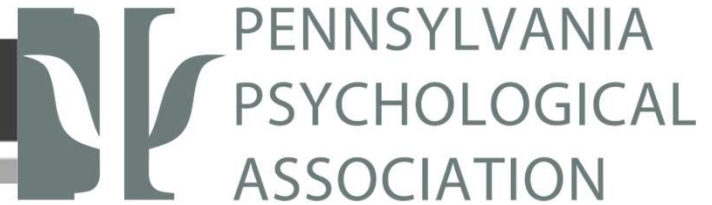
Confidentiality of reports (23 Pa.C.S. § 6339)

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.

Release of information in confidential reports (23 Pa.C.S. § 6340)

(c) 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.

Reporting Suspected Child Abuse



Immunity from Liability (23 Pa.C.S. § 6318)

- 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 the PA CPSL
 - 2) Cooperating or consulting with an investigation under the PA CPSL, 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 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)

Reporting Suspected Child Abuse



Immunity from Liability (23 Pa.C.S. § 6318) (cont.)

- b) **Department 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.

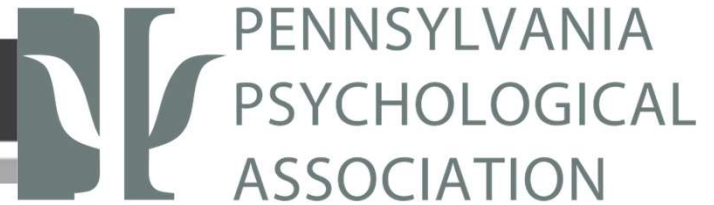
Reporting Suspected Child Abuse



Immunity from Liability (23 Pa.C.S. § 6318) (cont.)

- c) **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.

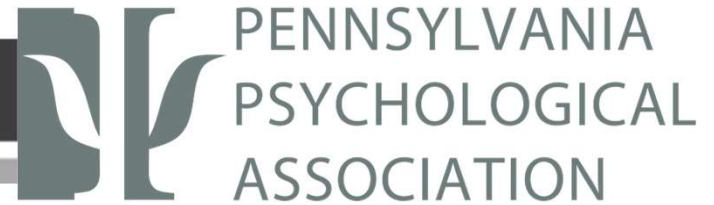
Reporting Suspected Child Abuse



Protection from Employment Discrimination (23 Pa.C.S. § 6320)

- a) **Basis for relief** -- A person may commence an action for appropriate relief if all of the following apply:
- 1) The person is required to report suspected child abuse or encouraged to report suspected child abuse.
 - 2) The person acted in good faith in making or causing the report of suspected child abuse to be made.
 - 3) 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.
- b) **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 and is subject to conviction for failure to report or to refer.

Reporting Suspected Child Abuse

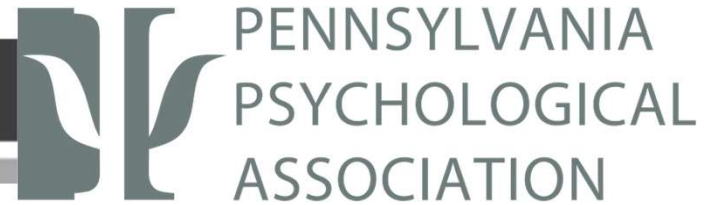


Penalties (23 Pa.C.S. § 6319)

a) Failure to report or refer --

- 1) 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.
- 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) above 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 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.

Reporting Suspected Child Abuse



Penalties (23 Pa.C.S. § 6319) (cont.)

- 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 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.
- 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 first degree or higher, the penalty for the second or subsequent offenses is a felony of the second degree.

Reporting Suspected Child Abuse



Penalties (23 Pa.C.S. § 6319) (cont.)

- d) **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.

Reporting Suspected Child Abuse



Investigation of Reports (23 Pa.C.S. § 6319)

- h) 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:
- 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.

Reporting Suspected Child Abuse



After a Referral/Report is Made

- When a county agency or law enforcement receives a referral/report, the county agency or law enforcement official is to notify DHS after ensuring the immediate safety of the child and any other child(ren) in the child's home.
- When ChildLine receives a referral/report, ChildLine will immediately evaluate and transmit the information to the appropriate agency for assessment or investigation.

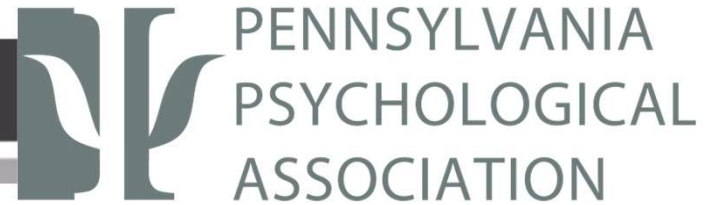
Reporting Suspected Child Abuse



After a Referral/Report is Made (cont.)

- *Referral to county agency (CPS)* – If the suspected child abuse is alleged to have been committed by a perpetrator, 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, 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).

Reporting Suspected Child Abuse



After a Referral/Report is Made (cont.)

- *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, 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, ChildLine will transmit the information to the appropriate county agency for assessment of the needs of the child.

Case/Reporting Scenarios

Test Your Understanding

Scenario:

A young and immature child reported to a school psychologist that she was routinely left alone at home. She was afraid to be alone, couldn't identify an adult to contact in the event of an emergency, could not provide a safety plan, and neither parent checked in with her to determine the status of her welfare.

Things to Consider:

- Is a school psychologist a mandated reporter?
- Is there reasonable cause to suspect a child is a victim of child abuse?
- What factors may give the school psychologist "reasonable cause to suspect" a child is a victim of child abuse?
- What indicators of child abuse are present?
- Is there a basis to report?
- What is the appropriate course of action?

Scenarios

Test Your Understanding

Answer:

A school psychologist is a mandated reporter under the PA CPSL and therefore must make a report of suspected child abuse if they have reasonable cause to suspect a child is a victim of child abuse as well as a basis to report.

Given the totality of the circumstances, there may be reasonable cause to suspect the child is a victim of "causing serious physical neglect of a child". The CPSL does not require this category of child abuse to be "recent."

Additionally, it appears there is a basis to report, under any of the following:

- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- The mandated reporter comes into contact with the child in the course 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.

The school psychologist must immediately make an oral or electronic report of suspected child abuse to DHS/ChildLine and immediately thereafter notify the person in charge of the school or the designated agent of the person in charge. If the school psychologist makes an oral report, they must make a written report (CY-47), which may be submitted electronically, within 48 hours to DHS or county

Test Your Understanding

Scenario:

A child made a credible report to a health care professional that her mother felt overwhelmed with the responsibility of caring for her newborn baby and sometimes slapped him to keep him quiet.

- Is a health care professional a mandated reporter?
- Is there reasonable cause to suspect a child is a victim of child abuse?
- What factors may give the health care professional "reasonable cause to suspect" a child is a victim of child abuse?
- What indicators of child abuse are present?
- Is there a basis to report?
- What is the appropriate course of action?

Scenarios

Test Your Understanding

Discussion:

A health care professional is a mandated reporter under the PA CPSL and therefore must make a report of suspected child abuse if they have reasonable cause to suspect a child is a victim of child abuse as well as a basis to report.

Given the totality of the circumstances, there is reasonable cause to suspect the child is a victim of "engaging in a recent act of forcefully slapping or otherwise striking a child under one year of age". [then provide any factors which contribute to "reasonable cause to suspect" (may want to revisit that slide for reference)]

Additionally, any of the following would constitute a "basis to report":

- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- The mandated reporter comes into contact with the child in the course 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.

The health care professional must immediately make an oral or electronic report of suspected child abuse to DHS/ChildLine and immediately thereafter notify the person in charge of the school or the designated agent of the person in charge. If the health care professional makes an oral report, they must make a written report (CY-47), which may be submitted electronically, within 48 hours to DHS or county

Test Your Understanding

Scenario:

A young man aged 16 made a credible report to a health care professional that his mother often struck him severely when he was a young child, resulting in substantial bruising and serious pain that made it difficult for him to walk or sit down.

- Is a health care professional a mandated reporter?
- Is there reasonable cause to suspect a child is a victim of child abuse?
- What factors may give the health care professional "reasonable cause to suspect" a child is a victim of child abuse?
- What indicators of child abuse are present?
- Is there a basis to report?
- What is the appropriate course of action?

Test Your Understanding

Answer:

A health care professional is a mandated reporter under the PA CPSL and therefore must make a report of suspected child abuse if they have reasonable cause to suspect a child is a victim of child abuse as well as a basis to report.

In this example, while there is reasonable cause to suspect the alleged victim child experienced impairment [and] substantial pain – relating to “bodily injury” – a report of suspected child abuse is not required under the CPSL because there is indication the alleged acts are not “recent” (within two years).

Test Your Understanding

Scenario:

A child arrived at the emergency room of a hospital after a serious suicide attempt. He reported continual verbal abuse from his parents, who also ignored his threats that he may attempt suicide. The emergency room staff learned that the parents withheld affection from and often disparaged the child.

- Is an ER staff person a mandated reporter?
- Is there reasonable cause to suspect a child is a victim of child abuse?
- What factors may give the ER staff "reasonable cause to suspect" a child is a victim of child abuse?
- What indicators of child abuse are present?
- Is there a basis to report?
- What is the appropriate course of action?

Scenarios

Test Your Understanding

Answer:

ER staff are mandated reporters under the PA CPSL and therefore must make a report of suspected child abuse if they have reasonable cause to suspect a child is a victim of child abuse as well as a basis to report.

Given the totality of the circumstances, there is reasonable cause to suspect the child is a victim of "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". The child's mental/psychological state is severe, appears to be chronic, and appears to be caused or exacerbated by his parents' behaviors. Based on their training and/or experience, the ER staff may have reasonable cause to suspect this would result in a psychological condition, as diagnosed by a physician or licensed psychologist, that renders him chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that his life or safety is threatened or seriously interferes with his ability to accomplish age-appropriate developmental and social tasks.

It is also worth considering whether the parents were already aware of such psychological condition/diagnosis and refused appropriate treatment for him.

Additionally, any of the following would constitute a "basis to report":

- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- The mandated reporter comes into contact with the child in the course 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.

The ER staff person must immediately make an oral or electronic report of suspected child abuse to DHS/ChildLine and immediately thereafter notify the person in charge of the hospital or the designated agent of the person in charge. If the ER staff person makes an oral report, they must make a written report (CY-47), which may be submitted electronically, within 48 hours to DHS or county

Test Your Understanding

Scenario:

A 17-year-old reported that she recently had sexual intercourse for the first time with her boyfriend who is 20. However, she stated that she only agreed to have sex with him after he promised to secure alcohol for her and some of her friends.

- Is the person this is being reported to a mandated reporter?
- Is there reasonable cause to suspect a child is a victim of child abuse?
- What factors may give the person this is being reported to "reasonable cause to suspect" a child is a victim of child abuse?
- What indicators of child abuse are present?
- If the person this is being reported to is a mandated reporter, is there a basis to report?
- What is the appropriate course of action?

Test Your Understanding

Answer:

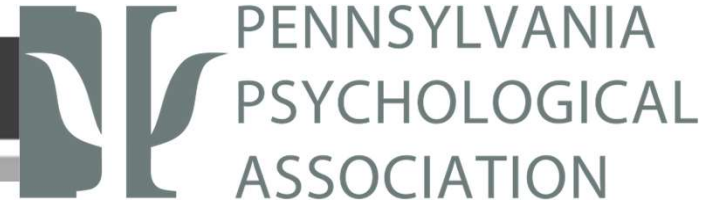
Given the totality of the circumstances, there is reasonable cause to suspect the child is a victim of "causing sexual abuse or exploitation of a child through any act or failure to act". Though the two appear to be in a consensual romantic relationship, she is a child (under 18 years of age) and there is indication she only agreed to have sex with him after/in exchange for him promising to secure alcohol for her and her friends (inducement).

The scenario also includes a commercial sex act and a report should be considered under the definition of severe forms of trafficking in persons.

If the person this is being reported to is a mandated reporter and there is a basis to report, that person must immediately make a report of suspected child abuse to DHS/ChildLine. If the person is required to make the 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 must immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. If the person makes an oral report, they must make then a written report (CY-47), which may be submitted electronically, within 48 hours to DHS or county agency

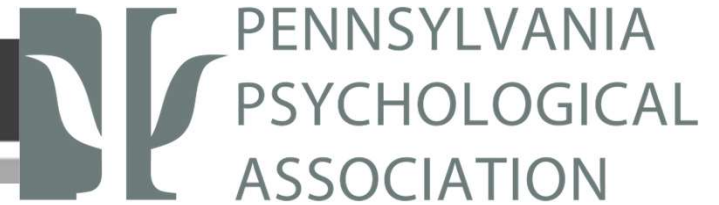
Quiz Questions

Quiz Questions



1. True or False: The PA CPSL's definition of "bodily injury" only recognizes that a child must experience substantial pain.
2. The PA CPSL recognizes that child abuse includes an act or failure to act that was done _____, _____, or _____.
3. True or False: A mandated reporter is required to identify the person responsible for the child abuse in order for the mandated reporter to make a report of suspected child abuse.
4. True or False: A mandated reporter must make a report of suspected child abuse if they have a reasonable cause to suspect abuse occurred, even if they do not come into contact with the child in the course of employment.
5. True or False: A mandated reporter is presumed to have acted in good faith when making a report of suspected child abuse.

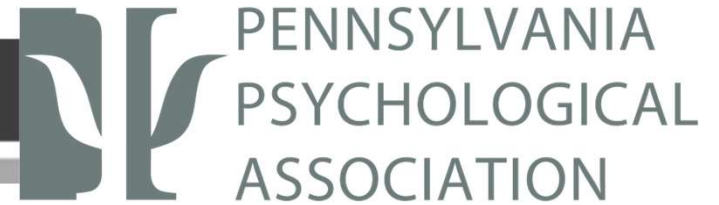
Quiz Questions



6. True or False: A mandated reporter must consider the exclusions from child abuse before making a report of suspected child abuse.
7. True or False: If a person 14 years of age or older makes a disclosure that they committed child abuse, the mandated reporter needs to report it.
8. Substantiated cases of child abuse are cases which have either been _____ or _____.
9. Should a mandated reporter report an adult who reports intentionally watching child pornography?
10. Should a mandated reporter report a 24-year-old man who said that he transported a 17-year-old girl for purposes of having sexual relationships for pay with a friend of his?

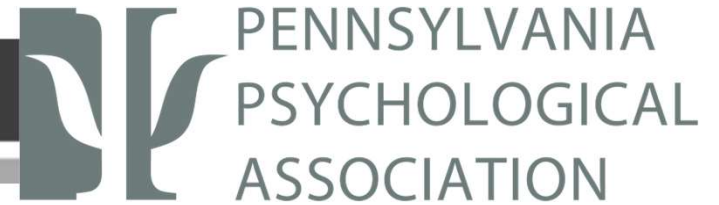
Sources

Sources



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- [Section 103 of the Trafficking Victims Protection Act of 2000 \(114 Stat. 1466, 22 U.S.C. § 7102\)](#)
- [18 Pa.C.S. CRIMES AND OFFENSES](#)
- [DHS Keep Kids Safe website](#)
- [The Child Welfare Portal](#)
- [42 Pa.C.S. JUDICIARY AND JUDICIAL PROCEDURE](#)
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