

Frequently Asked Questions

What is child abuse?

Child abuse, according to the Child Protective Services Law (CPSL), includes: serious recent physical injury which is non-accidental; mental injury which is non-accidental; sexual abuse; or serious physical neglect of children under age 18 caused by the acts or omissions of a perpetrator. "Recent" is defined as an abusive act within two years from the date ChildLine is called.

Child abuse also includes any recent act, failure to act, or series of acts or failures to act by a perpetrator that creates an *imminent risk* of serious physical injury to or sexual abuse or exploitation of a child under 18 years of age. These are situations that would have resulted in serious injury or sexual abuse if not prevented by happenstance, third-party intervention or the actions of the child.

Who is a perpetrator under the CPSL?

A perpetrator of child abuse can be a child's parent, the person responsible for the welfare of a child such as a babysitter or day care staff person, an individual residing in the same home as the child who is at least 14 years of age, or the paramour of a child's parent. Even if the person does not meet the definition of perpetrator under the CPSL, you must report suspected child abuse.

Who is a mandated reporter?

A person who, in the course of employment, occupation or practice of a profession, has reasonable cause to suspect, on the basis of medical, professional or other training and experience, that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse, including child abuse by an individual who is not a perpetrator. It is not necessary for mandated reporters to determine if an individual is a perpetrator under the CPSL and a report shall be made to ChildLine regardless of the status of the individual. The only exceptions to this are in respect to confidential communications made with a member of the clergy or an attorney.

Am I a mandated reporter if I learn of the abuse from someone other than the child who was allegedly abused?

Yes. The child need not come before you directly in your professional or official capacity, but must be under the care, supervision, guidance or training of an

agency, institution, organization or other entity with which you are affiliated. In your personal life, you may report a case as a non-mandated reporter.

When must child abuse be reported?

You must report immediately. State law requires that you report whenever you have "reasonable cause to suspect" that a child has been abused, regardless of any previous reports that have been made. This applies to physical injuries within the past two years, imminent risk of serious physical injury, sexual abuse, sexual exploitation, serious physical neglect and emotional abuse.

How do I make a report?

The law says that mandated reporters must immediately make a report to ChildLine by calling 1-800-932-0313. ChildLine is the 24-hour toll free telephone reporting system operated by the Department of Public Welfare to receive reports of suspected child abuse.

ChildLine forwards the report of suspected abuse to the local county Children and Youth agency which investigates the report, decides if the report is a valid instance of child abuse/neglect and, if so, arranges for or provides the services needed to prevent further maltreatment of the child and to preserve family unity. ChildLine also maintains a statewide Central Register which contains the names and vital information about children who have been abused in Pennsylvania since 1976. This information can be accessed by county Children and Youth agencies when investigating new reports of suspected child abuse.

Do I have to know for sure that a child was abused?

No. Your responsibility is to make the report when you suspect a child is being abused. The county Children and Youth caseworker will conduct an investigation and determine whether the child was abused.

Can a photo be taken if a child has a visible injury?

Yes. A mandated reporter may photograph areas of visible trauma on a child. Mandated reporters have legal immunity from liability in the taking of photographs, however it is suggested that the county Children and Youth agency be consulted prior to taking any photographs. The Children and Youth caseworker will generally photograph injuries as part of the investigation.

Must I give my name?

The law requires that mandated reporters identify themselves and where they can be reached. If clarification of the situation or additional information is needed, the caseworker will be able to contact you.

Will my name be released?

No. The Children and Youth staff maintains complete confidentiality in all cases. If law enforcement is involved, the name of the reporting source will be shared but will be treated as a confidential informant. The law allows only the Secretary of Public Welfare to release the name of the reporter or anyone who cooperated in the investigation. With your written consent, you can voluntarily have your name released as the reporter.

What else must a mandated reporter do after contacting ChildLine?

Mandated reporters must also complete a report of suspected child abuse. This report is called a CY 47 and blank forms can be obtained from the Children and Youth agency in your county. The CY 47 must be completed within 48 hours of the verbal report being made and mailed to the county Children and Youth agency.

What could happen to me if I don't report?

A mandated reporter who is convicted of willfully failing to report suspected child abuse is guilty of a misdemeanor in the third degree. A second or subsequent offense is a misdemeanor in the second degree.

Is there immunity when reporting suspicions?

Yes. Anyone reporting child abuse or neglect in good faith is provided civil and criminal immunity from legal liability that otherwise might result by reason of such action. In fact, good faith of a mandated reporter is presumed under the law.

Will I have to testify in court?

Criminal charges are filed against some perpetrators. You may be subpoenaed to testify at a criminal proceeding. Also, some cases go to Juvenile Court and you may be required to provide information and/or testify.

What happens when a report is made?

If the report alleges child abuse, a caseworker from the county Children and Youth agency must see the identified child within 24 hours. A thorough assessment of the child and family is conducted to determine if the child is abused and what, if any, services are appropriate. The investigation is completed within 30 days. In some situations, the Children and Youth agency is mandated to report suspicions of alleged abuse to police and the District Attorney for possible criminal investigation. Agency staff is required by law to make immediate telephone reports, followed by a written report, when suspicions involve the following: sexual abuse or exploitation, suspected homicide, serious bodily injury involving risk of permanent disability, disfigurement or protracted loss of function of an organ or bodily

member, or when the alleged perpetrator is not related to the child by blood or marriage.

Who will tell the parents that a report has been made?

The Children and Youth caseworker investigating the allegation has the obligation to inform the parents, and other subjects of the report, that a report has been made. Verbal notification usually occurs within a few hours of receiving the report; written notification of the report is provided to parents within 72 hours of the verbal notification, with some exceptions. The exact time at which the parents are told is up to the discretion of the caseworker in planning for the safety of the children. Certain professionals in ongoing relationships with families they are reporting may prefer to advise those persons involved of their legal requirement to report. This could be done only if disclosure does not jeopardize the safety of the children or interfere with an investigation.

Can the agency caseworker take custody of the child or remove the child from home or school?

The Children and Youth caseworker can take custody of a child only with court approval. Law enforcement or a physician examining or treating a child may take protective custody of a child.

How do I learn the outcome of the investigation and what is being done to protect the child from further abuse?

Mandated reporters may receive information from the county Children and Youth agency regarding the final status of the report, whether it was *unfounded*, *indicated* or *founded*, and the services provided or arranged by the agency. It is recommended that the mandated reporter call the caseworker that conducted the investigation for this information.

What will be done for the abused child?

It is the goal of the law and the county Children and Youth agency to preserve the family whenever the child's safety can be assured. If the child is found to be at risk of continued harm, the child may be removed from the home and placed in a safe environment. If placement is necessary, Children and Youth will work closely with the family, school and placement provider to create a comfortable and nurturing atmosphere for the child until reunification occurs. If reunification with parents is not possible, a permanent plan in the best interest of the child will be made. If placement is not necessary for the child, the agency will work with the family to resolve the problems that necessitated agency intervention. Through counseling, training and other supportive services, the family is assisted in learning new ways to parent their children safely and effectively.

What can I do if a child is not being cared for properly, but may not be an abused child?

Reports concerning the safety of children including inadequate housing, clothing and supervision can be referred to the county Children and Youth agency for assessment as *general protective services*, or to ChildLine who will refer the report to the county Children and Youth agency.