



Reporting of Sexual Abuse and the Child Protective Services Law of Pennsylvania

Effective Date:

November 1, 2007

Revised:

October 1, 2015

Revision Effective:

November 1, 2015



**CATHOLIC DIOCESE OF
PITTSBURGH**

Reporting of Child Abuse and the Child Protective Services Law of Pennsylvania

Introduction

New amendments to the Child Protective Services Law (CPSL) took effect on April 22, 2015 and July 1, 2015 in Pennsylvania. These amendments establish important requirements for those who work with children in reporting suspected child abuse. The amendments also make failure to report child abuse a crime.

This brochure sets forth expectations of how Church Personnel and volunteers shall comply with the law.

It is important to remember that "child abuse" is not limited to sexual abuse alone. It includes inflicting or creating an imminent risk of bodily injury, mental injury, sexual abuse or exploitation, or harmful physical neglect. A "child" is any individual who is under the age of **18**.

Adherence by Church Personnel in the Diocese of Pittsburgh to the expanded reporting mandates is a vital part of the Church's efforts to prevent the abuse of children. **The Diocese of Pittsburgh urges that all Church Personnel resolve any questions about the interpretation of the law in favor of reporting.**

WHO

Who are mandated reporters?

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- A medical examiner, coroner or funeral director.
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- **A school employee.**
- **An employee of a child-care service** who has direct contact with children in the course of employment.
- **A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.**
- **An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or has direct contact with children.**
- An employee of a social services agency who has direct contact with children in the course of employment.
- A peace officer or law enforcement official.

- An emergency medical services provider certified by the Department of Health.
- An employee of a public library who has direct contact with children in the course of employment.
- **An individual supervised or managed by a person listed above**, who has direct contact with children in the course of employment.
- **An independent contractor** who has direct contact with children.
- 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.
- A foster parent.
- An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles IX and X of the Public Welfare Code.

Who is *encouraged* to report suspected child abuse?

- ANY person may make an oral/written report of suspected abuse.

WHAT

What should be reported?

- Suspected child abuse should be reported if you have reasonable cause to suspect that a child is a victim of child abuse.
 - ♦ **"Reasonable cause to suspect"**
This term is not defined. If in doubt, err on the side of making the report and letting trained professionals determine what actually transpired.
 - ♦ **"Child Abuse"**
The term "child abuse" means intentionally, knowingly, or recklessly doing any of the following:
 - Causing non-accidental **bodily injury** that causes substantial pain or impairment of a physical condition, even temporarily;
 - Exposing a child to potentially **harmful medical evaluations or treatment** (i.e. fabricating, feigning or inducing a medical symptom or disease);
 - Causing or substantially contributing to a nonaccidental, clinically-diagnosable serious **mental injury** (i.e. renders

the child chronically anxious, agitated, depressed, socially withdrawn, psychotic, unable to perform age-appropriate developmental and social tasks, or in reasonable fear that his or her life or safety is threatened);

- Causing any type of **sexual abuse or sexual exploitation** (i.e. inducing a child to engage in sexual acts or to be photographed simulating sexual acts, even if the child "consents" to the acts);
 - Engaging in any of the following **acts**:
 - ▶ Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child;
 - ▶ Unreasonably restraining or confining a child;
 - ▶ Forcibly shaking, 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 methamphetamine lab;
 - ▶ Knowingly leaving a child unsupervised with an individual, other than the child's parent, who is required to register as a sexual offender, sexually violent predator, or sexually violent delinquent. This also includes individuals who the parent reasonably should have known were required to register in one of these categories.
 - Causing serious **physical neglect** which endangers a child's life or development or impairs the child's functioning, but which does not arise solely from the financial inability of the parents to provide adequate housing, clothing and medical care. Child abuse also occurs when an individual places a child in imminent risk of serious physical injury or sexual abuse or exploitation; or
 - Causing the **death** of a child through any act or failure to act.
- You must report all suspected abuse, not just abuse perpetrated by Church personnel.
 - You do not need to make a first-hand observation of the suspected child abuse victim.

Under what circumstances must suspected child abuse be reported?

- In short, you are mandated to report child abuse incidents involving children who are under the supervision, guidance or training of the Church/school entity with which you are affiliated, regardless of 1) whether you learned of the abuse on/

- off duty or 2) the location the suspected abuse occurred.
- Specifically, mandated reporters must make a report of suspected child abuse under any of the following circumstances:
 - ♦ The mandated reporter comes into contact with the child in the course of employment occupation and practice of a profession or through a regularly scheduled program, activity or service.
 - ♦ The mandated reporter is directly responsible for the care, supervision, guidance or training of the child or is affiliated with an agency, institution, organization, school, church, or other entity that is directly responsible for the care, supervision, guidance or training of the child.
 - ♦ A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
 - ♦ An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
 - **Priest Exception**
 - ♦ Confidential communications made to priests are protected and not subject to reporting requirements.

What if you have a concern that does not rise to the level of abuse?

- Concerns related to the safety of children including, but not limited to inadequate housing, clothing, and supervision, can be referred to ChildLine or the county children and youth agency for assessment as general protective services cases.

What happens after a report is made?

- ChildLine forwards the report to the local county children and youth agency, which must begin an investigation within 24 hours to determine if the allegations can be substantiated as child abuse/neglect and arrange for or provide services that are needed to prevent further maltreatment of the child.
- A full investigation must be completed within 30 days unless an extension is justified.
- The Department will advise the mandated reporter of the final status of the report, including whether it was unfounded, indicated, or founded, and the services planned or provided to the child.

WHERE

Where should you direct your report?

- **First, report to the Department of Human Services of the Commonwealth (via ChildLine),** either by:
 - ♦ Calling the Statewide toll-free number at **1 (800) 932-0313**;
 - If you file a telephone report, within 48 hours, you must send a written report to the child protective services agency in the county in which the abuse occurred.
 - The form is available at <https://reportsuspectedabuse.com/>.
 - The address and phone numbers of county children and youth agencies in the Commonwealth are available at: <http://www.dhs.state.pa.us/findfacilsandlocs/countychildrenandyouthdirectory/index.htm>
 - ♦ Filing a written electronic report at <https://www.compass.state.pa.us/cwis>
- **Second, report to the person in charge of the church or school.**
 - ♦ Schools Note:
 - If the suspected perpetrator is the school administrator to whom the report would normally be made, then the school employee/volunteer should bypass the administrator and immediately report the suspected abuse to local law enforcement officials, the district attorney, and lastly, the Superintendent of Schools.
 - Otherwise, upon receipt of a report of suspected abuse by a school employee, the school administrator should immediately report the suspected abuse to local law enforcement officials, the district attorney, and lastly, the Superintendent of Schools.
 - Upon receipt of a report of suspected abuse by a school teacher, the Superintendent of Schools must report the same to PDE within 15 days.

WHEN

When should you make the report?

- Suspected child abuse should be reported:
 - ♦ **immediately** to ChildLine at 1-800-932-0313; and
 - ♦ **immediately thereafter** to the person in charge of church or school.

- Follow-up written reports must be filed **within 48 hours** of the call to ChildLine.

HOW

How should Mandatory Reporters be trained?

- All paid staff and volunteers identified as mandatory reporters must take the online Mandated and Permissive Training Course offered by the University of Pittsburgh at <https://www.reportabusepa.pitt.edu>.
 - ♦ Print three certificates, one for each: the staff member/volunteer, the parish/school, and the Diocesan HR Office/Safe Environment Coordinator.
 - ♦ This course will satisfy Act 126 requirements for certified teachers.
- Mandatory reporters must undergo training every 5 years.

Protocol

- If you suspect that a crime has been committed or the suspected victim is in imminent danger: Call **911** or local law enforcement authorities and report the incident immediately.
- If a child voluntarily discloses abuse: Control your emotions and do not look shocked or disgusted.
 - ♦ Listen: Let the child talk at his/her own pace.
 - ♦ Reassure: Let the child know it's not his/her fault and that you are going to help them.
 - ♦ Document: Write down the date, time and specific circumstances of the disclosure including who was present and what prompted the child to reveal the abuse.
 - ♦ **Do Not:**
 - Force the child to talk. Let the child know that you are concerned and that you are available if they need to talk to someone.
 - Ask the child to disclose abuse separately to different staff members.
 - Keep asking questions because you want to prove child abuse.
 - Touch the child without their permission.
 - Prohibit the child from returning to their home.
- Report the suspected abuse as outlined above:
 - ♦ First, call ChildLine - 1 (800) 932-0313 immediately.
 - ♦ Then, advise the person in charge of the church/school.

- For additional questions or concerns, contact:

Phyllis Haney, Director
Office for the Protection of Children & Young People
Saint Paul Seminary
2900 Noblestown Road
Pittsburgh, PA 15205
(412) 456-5633
Email: phaney@diopitt.org

OTHER

Can I be held liable for making a report of suspected child abuse?

- As long as you acted in good faith, you will be immune from civil and criminal liability.

What if I don't report suspected abuse?

- Mandated Reporters who willfully fail to report child abuse may be subject to the following penalties:
 - ◆ Initial failure to report: second degree misdemeanor
 - ◆ Continued failure to report: first degree misdemeanor
 - ◆ Subsequent, willful failure to report: third degree felony
 - ◆ Note:
 - If you willfully fail to report child abuse that constitutes a felony of the first degree or higher of which you have direct knowledge, you may be subject to a third degree felony.
 - The Statute of Limitations for failure to report is the same as the crime committed against the child or five (5) years, whichever is longer.

What if I learn of suspected abuse after the victim turns 18?

- In the interest of preventing further abuse by the same perpetrator, a report should be made. County agencies and ChildLine receive reports until the age of 20 for situations of abuse that occurred before reaching age 18. After that, a referral to law enforcement officials may be an option.

Is abuse by other children reportable?

- Yes, if it is sexual abuse, or if it causes serious physical or mental injury to the victim. Causing serious mental injury can include placing the victim in fear that his or her life or safety is threatened.
- Consensual activities between two children, ages 14-18 are

excluded as sexual abuse unless any of the following, which involve the use of force or coercion, were committed: Rape; Statutory sexual assault; Involuntary deviate sexual intercourse; Sexual assault; Institutional sexual assault; Aggravated indecent assault; Indecent assault; Indecent exposure; Incest; Prostitution; Sexual abuse; Unlawful contact with a minor; or Sexual exploitation.

- School personnel are especially cautioned to be alert for physical assaults, inappropriate sexual contact and severe bullying that may constitute "abuse" under the CPSL.

Will the name of the mandated reporter be released?

- The identity of the person making the report is kept confidential with the exception of being released to law enforcement officials or the district attorney's office. However, mandated reporters may be required to testify in a civil or criminal court case.

MANDATORY REPORTING OF CHILD ABUSE	
WHO ARE MANDATORY REPORTERS IN OUR CHURCHES/ SCHOOLS	<ul style="list-style-type: none"> • Clergy • School employees • School volunteers • All other employees and volunteers who are responsible for the welfare of a child or have regular contact with children • All independent contractors who have direct contact with children
WHAT SHOULD MANDATORY REPORTERS REPORT?	<p>Suspected child abuse should be reported if you have reasonable cause to suspect a child is a victim of abuse.</p> <ul style="list-style-type: none"> • When there is "reasonable cause to suspect"? <ul style="list-style-type: none"> ◆ This term is not defined. If in doubt, err on the side of making the report and letting trained professionals determine what actually transpired. • What is "child abuse"? <p>"Child abuse" means intentionally, knowingly or recklessly doing any of the following:</p> <ul style="list-style-type: none"> ◆ Causing non-accidental bodily injury ◆ Exposing the child to potentially harmful medical treatment ◆ Causing/contributing to a non-accidental serious mental injury ◆ Causing any type of sexual abuse or exploitation ◆ Engaging in acts such as: kicking, biting, throwing, burning, stabbing, cutting, unreasonably restraining/ confining, forcibly shaking/striking a child; causing a child to be present at a meth lab; or knowingly leaving a child unsupervised with a sexual predator ◆ Causing serious physical neglect ◆ Causing death through any act or failure to act • Exception: Clergy and Attorneys have certain confidentiality exceptions.

MANDATORY REPORTING OF CHILD ABUSE

WHERE SHOULD THE REPORT BE DIRECTED?	<ul style="list-style-type: none"> • Report to ChildLine by phone at 1 (800) 932-0313 or online at https://www.compass.state.pa.us/cwis <ul style="list-style-type: none"> ♦ Phone reports must be followed up with a written report within 48 hours to the county child protective services agency. • Report to the person in charge of the church or school.
WHEN SHOULD THE REPORT BE MADE?	<ul style="list-style-type: none"> • Suspected child abuse should be reported <u>immediately.</u>
WHAT SHOULD I DO IF THE EMPLOYEE/ VOLUNTEER I SUPERVISE/ OVERSEE HAS BEEN ACCUSED OF CHILD ABUSE?	<ul style="list-style-type: none"> • Report the abuse to local law enforcement officials, the district attorney, the Diocesan Legal Office and, if a school, Diocesan Schools' Office, if this has not yet been done; • Work with the Diocesan Legal Office to: <ul style="list-style-type: none"> ♦ Demand new background checks at your entity's expense, and ♦ Place the accused on leave pending the receipt of new checks and the outcome of any investigation.
HOW SHOULD REPORTERS BE TRAINED?	<ul style="list-style-type: none"> • Protecting God's Children (Virtus ®) Training; and • Mandated and Permissive Training Course offered online by the University of Pittsburgh at https://www.reportabusepa.pitt.edu. <ul style="list-style-type: none"> ♦ Print three certificates: one for the staff member/ volunteer, the parish/school, and the Diocesan Human Resources Office/Safe Environment Coordinator. The University of Pittsburgh course qualifies for Act 126 certification.

Acknowledgment of Receipt
Reporting of Child Abuse and
the Child Protective Services Law of Pennsylvania

In accordance with my role as Church personnel (paid/volunteer) and acknowledging my responsibility as a citizen to abide by the laws of the Commonwealth of Pennsylvania in regard to reporting suspected cases of child abuse, I acknowledge the following:

1. Abuse of a child can be physical, mental, sexual or harmful physical neglect.
2. The reporting mandate is restricted to those minors (under 18) under the care of a diocesan institution, parish, or school.
3. Mandated reporting is not restricted to first-hand observation only. Second-hand reports must also be reported if there is "reasonable cause to suspect" that child abuse has occurred.
4. I understand that my parish/school has a reporting protocol in place which I will follow.
5. Reports of suspected child abuse are to made immediately to the 24 hour Child Abuse Hotline (ChildLine). The toll-free number is 1 (800)932-0313.
6. I understand that a written report is to be made within 48 hours of the telephone report.
7. I understand that school employees are subject to additional reporting procedures when the predator is another individual who works in the school.
8. I understand that CPSL grants immunity from civil suits for those (employees/volunteers) who make a "good faith" report of suspected child abuse.

I HAVE CAREFULLY READ, UNDERSTAND, AND HEREBY COMMIT TO FOLLOWING THE REQUIREMENTS OF THE CHILD PROTECTIVE SERVICES LAW OF PENNSYLVANIA.

Name

Parish, School, Office or Program

Position

Date

KEEP THIS SIGNED ORIGINAL FOR YOUR FILES



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Name

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**RETURN THIS SIGNED ORIGINAL TO THE PARISH, SCHOOL OR DIOCESE
AND KEEP THE OTHER COPY**



CATHOLIC DIOCESE OF PITTSBURGH

111 Boulevard of the Allies

Pittsburgh, PA 15222

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