



Pennsylvania Child Protective Services Law: Module 4: Reporting and the Role of the Child Welfare Professional Transfer of Learning

Participant Guide

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Section I: Welcome & Introductions

PowerPoint



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Child Protective Services Law: An Update for Child Welfare Professionals

MODULE 4: REPORTING AND THE ROLE OF THE CHILD WELFARE PROFESSIONAL

Transfer of Learning

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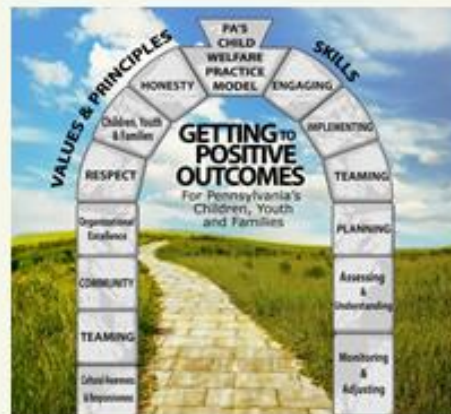
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Pennsylvania's Child Welfare Practice Model

The Practice Model
provides:

- A consistent basis for decision making
- Clear expectations of outcomes
- Shared values and ethics
- A principled way to evaluate your skills and performance



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Practice Model

Outcome

Safety from abuse & neglect

As a child welfare professional, you work every day to ensure children's safety from abuse and neglect and to support families through provision of services.

Policy makers had these outcomes in mind as they drafted the amendments to the Child Protective Services Law.

Value

Community

Community is broadly defined and includes, but is not limited to:

- Families
- Neighbors
- Volunteers
- Spiritual, educational, medical, behavioral health and legal partners

Natural partnerships must exist within a community to promote prevention, protection, well-being, and lifelong connections.



Learning Objective

Participants will be able to:

- Formulate a plan to provide guidance to members of their community regarding requirements for reporting child abuse.



Name Tents

Organization	Position
Length of time in current position	Name

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Basis to Report

- In what circumstances and situations is a mandated reporter required to report?



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Basis to Report

- A mandated reporter must make a report of suspected child abuse if there is reasonable cause to suspect that a child is a victim of abuse when they:
 - Come 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
 - Are 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



Basis to Report

- A mandated reporter must make a report of suspected child abuse if there is reasonable cause to suspect that a child is a victim of abuse when:
 - A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse
 - An individual 14 years or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse



These are Not Requirements:

- The law does not require a child to “come before” mandated reporters for them to make a report of suspected child abuse.
- The law does not require the mandated reporter to identify the person responsible for the child abuse to make a report.



Alleged Child Abuse in Another State: Victim Child and Alleged Perpetrator Both Live in Pennsylvania

REPORT

A report of suspected **child abuse** that happens in a jurisdiction other than Pennsylvania and both the alleged **perpetrator** and the child are residents of Pennsylvania is received by the **department**

REFER

The department refers the report to the **county agency** where the child resides in Pennsylvania

INVESTIGATE

The county agency will investigate the report as any other report of suspected child abuse if the other state's child protective agency will not or cannot investigate

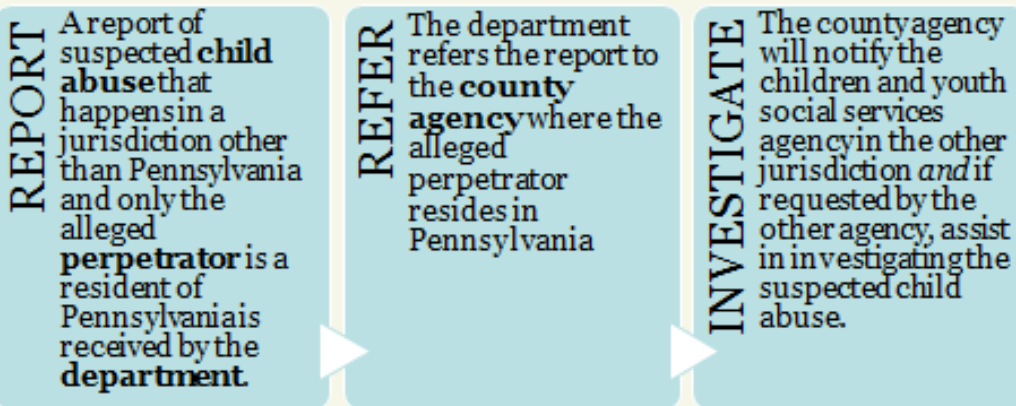


Child Welfare Professional's Responsibility

- The Pennsylvania child welfare professional must communicate with the other state's child protective services agency to see if they can or will investigate.
- If the other state's agency cannot or will not investigate, the CCYA will assume responsibility for the investigation.



Alleged Child Abuse in Another State: Only Alleged Perpetrator Lives in Pennsylvania





Child Welfare Professional's Responsibility

- The CCYA must contact the social services agency of the state where the abuse occurred and, if requested, assist the other agency in the investigation.



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Alleged Child Abuse in Another State: Only the Victim Child Lives in Pennsylvania

REPORT

A report of suspected **child abuse** is received by the **department**. The report contains information on suspected child abuse that happened in another state to a child who lives in Pennsylvania

REFER

The department refers the report to the **county agency** where the child lives in Pennsylvania

INVESTIGATE

If the other state's child protective services agency cannot or will not investigate the report, it will be assigned as a **general protective services** report to the county agency where the child lives

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Child Welfare Professional's Responsibility

- When a report of suspected child abuse occurs in another state where only the victim child lives in Pennsylvania, and the other state's agency will not or cannot investigate, it will be assigned as a GPS report to the CCYA where the child lives.



Reporting to ChildLine

Permissive reporters are encouraged to report by telephone to ChildLine

1-800-932-0313



Reporting to ChildLine

Mandated reporters are required to report directly and immediately to **ChildLine** when they have a reasonable cause to suspect a child is victim of abuse.

The CPSL was amended to require staff members of institutions to report directly to ChildLine rather than to a person in charge of the institution.

Mandated reporters can file an electronic report of suspected child abuse *online*.

These reports can be made through the Child Welfare Portal.

You can learn more about this process through the Pennsylvania Child Welfare Resource Center training course: *Recognizing and Reporting Child Abuse: Mandated and Permissive Reporting in Pennsylvania*.



Child Welfare Professionals

CCYA employees report to ChildLine through electronic data systems specific to their agencies.

Please review the electronic reporting process at your agency with your supervisor.



Receipt of Reports by a CCYA

- When a report is made directly to a **CCYA** and not ChildLine, after ensuring the safety of the child and any other child in the child’s home, the CCYA must immediately notify the **department** of the report
- If the report was given over the phone, the CCYA must attempt to collect as much of the information listed in “contents of report” as possible and submit the information to the department within 48 hours by written report or by **electronic technologies**



Mandated Reporters: Failure to Report

- Mandated reporters are required by law to report when they have reasonable cause to suspect a child is the victim of abuse
- A mandated reporter who willfully fails to make a report of suspected child abuse could face legal penalties
- These penalties increase with repeated violations





Protections for All Reporters



- Pennsylvania law protects all reporters of suspected child abuse.
- When a report is made in “good faith” a reporter is immune from civil or criminal liability.
- Mandated reporters who make reports of suspected child abuse or of a crime against a child are not in violation of the Mental Health Procedures Act by releasing information necessary to complete the report.
- The law imposes penalties if any person attempts to intimidate, retaliate, or obstruct an individual from reporting suspected child abuse.
- A reporter may also take action for appropriate relief if relieved of employment or discriminated against in any other way as a result of making a report of suspected child abuse.



Protections: Confidentiality



- Reporters are protected by strict confidentiality provisions. Amendments to the CPSL, prohibits the department, county, institution, school, facility, or agency or designated agent of the person in charge from identifying the person who made a report of suspected abuse or who cooperated in a subsequent investigation.

Agenda

Section I: Welcome & Introductions

Section II: Learning Needs Identification

Section III: Who is a Mandated Reporter?

Section IV: Basis to Report

Section V: How to Report

Section VI: The Discussion

Section II: Learning Needs Identification

Online Course Learning Objectives

Identify training requirements for county children and youth agency employees, and other mandated reporters with whom they may interact.



Demonstrate knowledge of new reporting requirements, enabling them to provide guidance to support community understanding and compliance.



Correctly identify steps and related timeframes in the reporting process.



Determine actions when an agency receives a referral regarding suspected child abuse that crosses state lines.



Section III: Who is a Mandated Reporter?

Mandated Reporters

§ 6311. Persons required to report suspected child abuse.

- (a) Mandated reporters.--The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:
- (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
 - (2) A medical examiner, coroner or funeral director.
 - (3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
 - (4) A school employee.
 - (5) An employee of a child-care service who has direct contact with children in the course of employment.
 - (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
 - (7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
 - (8) An employee of a social services agency who has direct contact with children in the course of employment.
 - (9) A peace officer or law enforcement official.
 - (10) An emergency medical services provider certified by the Department of Health.
 - (11) An employee of a public library who has direct contact with children in the course of employment.
 - (12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.
 - (13) An independent contractor.
 - (14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
 - (15) A foster parent

Related Definitions:

"School employee." An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term excludes an individual who has no direct contact with children.

"Child-care services." Includes any of the following:

- (1) Child day-care centers.
- (2) Group day-care homes.
- (3) Family day-care homes.
- (4) Foster homes.
- (5) Adoptive parents.
- (6) Boarding homes for children.
- (7) Juvenile detention center services or programs for delinquent or dependent children.
- (8) Mental health services for children.
- (9) Services for children with intellectual disabilities.
- (10) Early intervention services for children.
- (11) Drug and alcohol services for children.
- (12) Day-care services or programs that are offered by a school.
- (13) Other child-care services that are provided by or subject to approval, licensure, registration or certification by the Department or a county social services agency or that are provided pursuant to a contract with the Department or a county social services agency.

"Direct contact with children." The care, supervision, guidance or control of children or routine interaction with children.

"Law enforcement official." The term includes the following:

- (1) The Attorney General.
- (2) A Pennsylvania district attorney.
- (3) A Pennsylvania State Police officer.
- (4) A municipal police officer.

"Independent contractor." An individual who provides a program, activity or service to 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. The term does not include an individual who has no direct contact with children.

Key Questions to Determine Mandated Reporters

1.

2.

3.

4.

5.

6.

7.

Section IV: Basis to Report

Basis to Report

“FORMER”

“CURRENT”

<p>§ 6311. Persons required to report suspected child abuse.</p> <p>(a) General rule.--A person who, in the course of employment, occupation or practice of a profession, comes into contact with children shall report or cause a report to be made in accordance with section 6313 (relating to reporting procedure) when the person 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. Except with respect to confidential communications made to a member of the clergy which are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen), and except with respect to confidential communications made to an attorney which are protected by 42 Pa.C.S. § 5916 (relating to confidential communications to attorney) or 5928 (relating to confidential communications to attorney), the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required by this chapter.</p>	<p>§ 6311. Persons required to report suspected child abuse.</p> <p>(b) Basis to report.--</p> <p>(1) A mandated reporter enumerated in subsection (a) shall make a report of suspected child abuse in accordance with section 6313 (relating to reporting procedure), if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:</p> <p>(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.</p> <p>(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.</p> <p>(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.</p> <p>(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.</p> <p>(2) Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.</p> <p>(3) Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.</p>
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Basis to Report

Referring to the former CPSL and current CPSL, basis to report, on the previous page, answer the following questions:

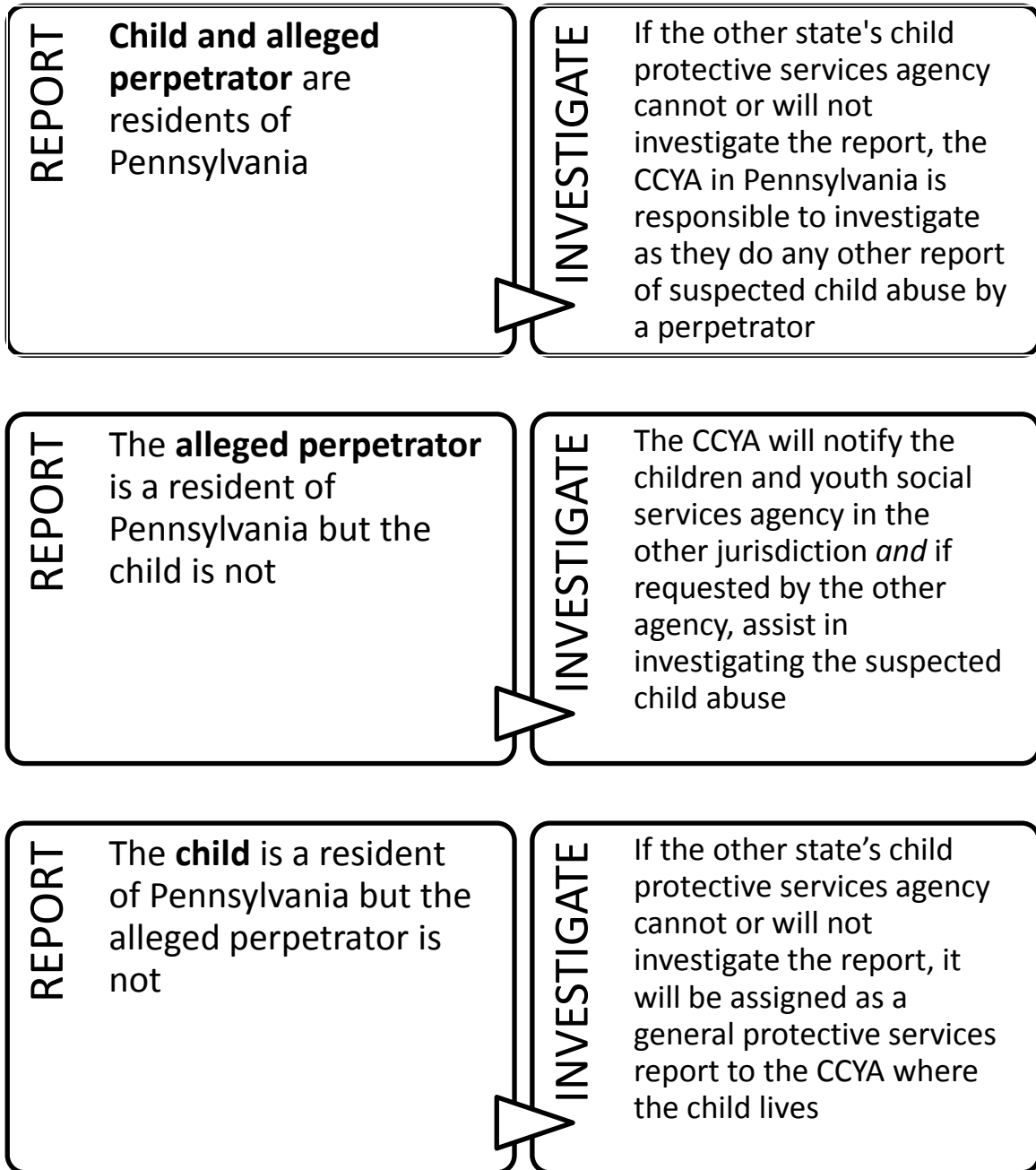
1. What is the same about the basis to report that I have been using?

2. What is new about the basis to report?

3. Has anything been removed?

Assessments and Investigations That Cross State Lines

When alleged child abuse occurs in another state, a unique set of responses applies, some of which are new under the recent CPSL amendments. The circumstances are based upon the residency of the child and alleged perpetrator. The three sets of circumstances are outline below.



Source: 23 Pa. Code § 6334 (2014)

Section V: How to Report

NOTES:

Section VI: The Discussion

Questions & Concerns

1. What questions or concerns might your assigned community member have?
“I know you are a mandated reporter.”

“I’m not 100% sure you are a mandated reporter.”

2. What questions or concerns do you have in offering guidance to your assigned community member?
“I know you are a mandated reporter.”

“I’m not 100% sure you are a mandated reporter.”

Resources

- Current Legislation
 - Definition of a mandated reporter
 - Basis for reporting
 - Penalties for failure to report
 - Protections awarded to reporters
 - Confidentiality
 - Education requirements
- Department of Human Services website
 - KeepKidsSafe.pa.gov
- Child Welfare Resource Center website
 - pacwrc.pitt.edu
- Link to the reporting training
 - Reportabusepa.pitt.edu
- County Policies and Procedures

References

Commonwealth of Pennsylvania. *The Child Protective Services Law (23. Pa. C.S. Chapter 63)*.

University of Pittsburgh. (2014). Pennsylvania child protective services Law: Module 4: Reporting and the role of the child welfare professional. Mechanicsburg, PA: University of Pittsburgh School of Social Work, Pennsylvania Child Welfare Resource Center.