



# **Pennsylvania Child Protective Services Law: Module 6: Disposition of Cases Transfer of Learning**

## **Instructor's Guide**

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University of Pittsburgh,  
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**February 2015**

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## Acknowledgements

The Pennsylvania Child Welfare Resource Center would like to thank the following people for their assistance in the creation of this curriculum:

Ashley Markle	Adams County
Sarah Finkey	Adams County
Jan Burek	Warren County
Stacie Horvath	Blair County
Raheemah Shamsid-Deen Hampton	OCYF SE Region
Brian Waugh	OCYF NE Region
Vicki Lenhart-Martin	OCYF Western Region
Lana Rees	Erie County
Michele Haydt	Monroe County
Angela Sager	AOPC
Elizabeth Grassmyer	OCYF
Patti Moyer	Schuylkill County
Lynn Carson	Dauphin County
Patricia Verdon	Dauphin County
Gabi Williams	OCYF Central Region
Cristina Cooper	ABA

# **Agenda for Four-Hour Workshop on Pennsylvania Child Protective Services Law: Module 6: Disposition of Cases Transfer of Learning**

## **Day One**

<b>Estimated Time</b>	<b>Content</b>	<b>Page</b>
15 minutes	<b>Section I:</b> Welcome and Introduction	1
20 minutes	<b>Section II:</b> Learning Needs Identification	3
5 minutes	<b>Section III:</b> Decision Tree and Checklist Introduction	5
40 minutes	<b>Section IV:</b> Perpetrator	7
35 minutes	<b>Section V:</b> Culpability	12
50 minutes	<b>Section VI:</b> Child Abuse	15
30 minutes	<b>Section VII:</b> Exclusions to Child Abuse	26
5 minutes	<b>Section VIII:</b> Indicated and Founded Case Requirements	30

5 minutes	<b>Section IX:</b> Department Notification	32
35 minutes	<b>Section X:</b> Tool Application	34

## **Section I: Welcome & Introductions**

**Estimated Length of Time: 15 minutes**

**Corresponding Learning Objectives:**

- N/A

**Section/Task Objectives:**

Upon completing this section, participants will be able to:

- N/A

## Section I: Welcome & Introductions

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b> Display Slide 1	<b>Introduce Section</b>  <b>Say:</b> Hello, and welcome to <i>Child Protective Services Law: An Update for Child Welfare Professionals: Module 6: Disposition of Cases: Transfer of Learning</i>		<b>1</b>	
<b>Step 2</b> Display Slide 2	<b>Share Course Learning Objective</b>  <b>Say:</b> You are here because you attended <i>Child Protective Services Law: An Update for Child Welfare Professionals: Module 6: Disposition of Cases</i> and wish to help bridge what you learned in that training to practice. Here is our learning objective for this training. By the end of the training, you will have the opportunity to apply tools that were designed to guide your decision-making process when determining Child Protective Services (CPS) case dispositions.  <b>Ask:</b> Any questions before we get into the material?		<b>2</b>	
<b>Step 3</b>	<b>Share Training Agenda</b>  <b>Say:</b> Here is the agenda for today's session.	<i>Participant Guide: Page 12 Agenda</i>	<b>2</b>	
<b>Step 4</b> Display Slide 3	<b>Activity: Introductions</b>  <b>Say:</b> Let's start with introductions.  <b>Say:</b> Introduce yourself, and give a bit of your background, experience, and a personal learning objective for this course.  <b>Do:</b> Ask participants to complete their name tents as portrayed on Slide 3. When participants have finished, asked them to introduce themselves, providing the information on their name tents.	Name Tents	<b>10</b>	

## **Section II: Learning Needs Identification**

**Estimated Length of Time: 20 minutes**

### **Corresponding Learning Objectives:**

- Describe CCYAs requirements for reporting case status to the Department.
- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Identify learning needs.

## Section II: Learning Needs Identification

	Instructor	Materials	Time	Trainer Notes
Step 1	<p><b>Learning Objective Carousel</b></p> <p><b>Do:</b> Hang <b>Poster #1 (Module 6 Learning Objectives)</b> around the room.</p> <p><b>Say:</b> The posters list the learning objectives from <i>Child Protective Services Law: An Update for Child Welfare Professionals: Module 6: Disposition of Cases</i>. On each poster is a continuum. Review each learning objective listed on the posters. Ask participants to circulate around the room with a marker and consider their ability to meet each learning objective. Participants should place a dot along the continuum in a place that best represents their perceived ability to accomplish the learning objective.</p>	<p>Poster #1: Module 6 Learning Objectives</p> <p><i>Participant Guide: page 14: Online Course Learning Objectives</i></p> <p>Markers</p>	5	
Step 2	<p><b>Identify Strengths and Concerns</b></p> <p><b>Do:</b> Post a blank sheet of flip chart paper next to each poster.</p> <p><b>Do:</b> Facilitate a discussion for each learning objective, identifying that which participants feel confident about and that which they are concerned about in relation to meeting each learning objective.</p> <p><b>Say:</b> Space is available under each learning objective on page 14 of your participant guide to record notes.</p> <p><b>Do:</b> Prioritize those points that are most critical to address with participants. Based on prioritization, complete corresponding sections three through eight.</p>	<p>Poster #1: Learning Objectives</p> <p>Flip chart</p> <p>Markers</p> <p><i>Participant Guide: page 14: Online Course Learning Objectives</i></p>	15	

## **Section III: Decision Tree and Checklist Introduction**

**Estimated Length of Time: 5 minutes**

### **Corresponding Learning Objectives:**

- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Identify two tools that can be used to guide decisions regarding case disposition.

## Section III: Decision Tree and Checklist Introduction

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b>	<p><b>Decision Tree Introduction</b></p> <p><b>Do:</b> Ask participants to locate <i>CPS Decision Tree</i> on page 16 of the <i>Participant Guide</i> and draw their attention to <i>Poster #2 (CPS Decision Tree)</i>.</p> <p>Briefly review the <i>CPS Decision Tree</i> and state that the remainder of the session will be spent walking step-by-step through this decision tree.</p> <p>Ask participants to locate <i>CPS Checklist: Disposition</i> on page 17 through 20 of the <i>Participant Guide</i>.</p> <p><b>Say:</b> This is another resource to guide you through determining the disposition of a CPS case. It provides opportunity for documentation of each decision point to help you process your decisions.</p> <p><b>Do:</b> Briefly walk participants through the components of the checklist.</p> <p><b>Say:</b> The <i>CPS Checklist Guide</i> on pages 21 through 26 of the <i>Participant Guide</i> provides an explanation and guidance for the <i>CPS Checklist: Dispositions</i>. This document was created to accompany the <i>CPS Checklist: Disposition</i>. It includes language directly from the CPSL as it relates to each decision point, and can be used as an accompaniment to the <i>CPS Decision Tree</i>. The tools and this guide will provide support in implementation of CPSL changes.</p>	<p><i>Participant Guide: page 16: CPS Decision Tree</i></p> <p><i>Participant Guide: pages 17 through 20: CPS Checklist: Disposition</i></p> <p><i>Participant Guide: pages 21 through 26: CPS Checklist Guide</i></p> <p><i>Poster #2 (CPS Decision Tree)</i></p>	<b>5</b>	

## **Section IV: Perpetrator**

**Estimated Length of Time: 40 minutes**

### **Corresponding Learning Objectives:**

- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Contrast the old definition of perpetrator with the new definition to determine what is the same, what has been added, and what has been removed.

## Section IV: Perpetrator

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b>	<p><b>Introduce Section</b></p> <p><b>Say:</b> We are going to use the <i>CPS Decision Tree</i>, on page 16 of the Participant Guide, to guide us through determining whether or not a report is indicated.</p> <p>For the purpose of this activity we will assume that the report was received after December 31, 2014.</p> <p>If ChildLine has transmitted the report to the CCYA , they would have concluded whether the individual who was alleged to have harmed a child met the definition of perpetrator.</p> <p><b>Do:</b> Refer participants to page 28 of the Participant Guide, which provides the definition of perpetrator.</p> <p><b>Say:</b> Let's begin the decision-making with the question in the second box: "Has the suspected abuser met the definition of perpetrator?"</p>	<p>Participant Guide page 16: CPS Decision Tree</p> <p>Participant Guide pages 17 through 20: CPS Checklist: Disposition</p> <p>Participant Guide page 28: Who is a Perpetrator?</p>	<b>5</b>	
<b>Step 2</b>	<p><b>Activity: What is the definition of perpetrator? (think, pair, share)</b></p> <p><b>Say:</b> Individually follow the instructions on page 28 of the Participant Guide and answer the questions located on the same page.</p> <p><b>Do:</b> Allow 5 – 10 minutes for individuals to complete this part of the activity.</p> <p><b>Say:</b> Now turn to a partner and share/compare your answers on Participant Guide page 28.</p> <p><b>Do:</b> Allow 5 – 10 minutes for individuals to complete this part of the activity.</p> <p><b>Do:</b> Circulate, assist, and monitor to keep discussion productive and on track.</p> <p><u>Answer Key:</u></p> <p><u>MOST</u> individuals who previously met the definition of perpetrator continue to meet the definition of perpetrator, for both act and failure to act</p> <ul style="list-style-type: none"> <li>• A parent of a child</li> <li>• A person responsible for the welfare of a child</li> </ul>	<p>Participant Guide page 28: Who is a Perpetrator?</p>	<b>25</b>	

	<ul style="list-style-type: none"> <li>• An individual 14 years of or older age and residing in the same home as a child</li> <li>• A paramour of a child's parent</li> </ul> <p>In the previous version of the CPSL, an individual 14-18 years of age was considered a perpetrator for failing to act. The amended 2014 CPSL now indicates that <u>only</u> an individual 18 years of age or older and responsible for the child's welfare <u>or</u> an individual 18 years of age or older who resides in the same home as the child may be considered a perpetrator for failing to act.</p> <p>Make it clear to participants that parents, no matter the age, can be found to have committed child abuse due to failure to act.</p> <p>Added</p> <p><u>Act:</u></p> <ul style="list-style-type: none"> <li>• A spouse or former spouse of the child's parent.</li> <li>• former paramour of the child's parent</li> <li>• A person <u>14</u> years of age or older and responsible for the child's welfare</li> <li>• An individual <u>18</u> 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.</li> </ul> <p><u>Failure to act:</u></p> <ul style="list-style-type: none"> <li>• A spouse or former spouse of the child's parent.</li> <li>• former paramour of the child's parent</li> <li>• A person <u>18</u> years of age or older and responsible for the child's welfare.</li> <li>• A person <u>18</u> years of age or older who resides in the same home as the child.</li> </ul> <p>While "An individual 14 years of age or older who resides in the same home as the child" appears to be new, it was captured under the old definition of perpetrator. This is because <i>Individual residing in the same home as the child</i>, was defined as "An individual who is 14 years of age or older and who resides in the same home as the child."</p>			
<b>Step 3</b>	<p><b>Activity Debrief</b></p> <p><b>Ask:</b> Did everyone discuss the differences between a perpetrator for committing an act and a perpetrator for failing to act?</p>		<b>10</b>	

	<p><b>Ask:</b> Why do you think persons who are younger than 18-years-old, unless they are a parent, are not included as a perpetrator for failing to act?</p> <p><b>Say:</b> If participants do not respond similarly, state that the intention is to not hold children responsible for the action or inaction of an adult.</p> <p><b>Ask:</b> Are there any lingering questions or concerns related to who is considered a perpetrator under the CPSL?</p>			
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<b>Instructions for the Trainer: Section 4, Step 2</b>	
<b>Type of Activity/ Purpose</b>	<b>“Think-Pair-Share”</b> Think-Pair-Share is a discussion strategy. It incorporates reflection before sharing, and gives learners the opportunity to access knowledge, organize thoughts, and practice articulating their opinions and comments before sharing with a larger group.
<b>Set-up and Alternatives</b>	Set-up: Use a grouping strategy to form pairs. Direct participants to page 28 in the Participant Guide.  Alternative: Think-Pair-Square Once the think-pair-share sequence is complete, instead of a whole-class debrief, ask pairs to join with another pair to form quads for further sharing and discussion.
<b>Participant Tasks</b>	Individually follow the instructions on page 20 of the Participant Guide and answer the questions located on the same page.  After completing the individual task, participants will partner and share thoughts.
<b>Facilitation Tasks</b>	Introduce the activity to participants with a brief explanation of the steps. Review directions on page 28 of Participant Guide.  Encourage quiet during the thinking portion of this activity. Suggest that participants may wish to jot down their thoughts.  After five minutes, ask participants to pair off or use a grouping strategy to divide the participants.
<b>Debrief</b>	<b>Ask:</b> Did everyone discuss the differences between a perpetrator for committing an act and a perpetrator for failing to act? Why do you think persons who are younger than 18-years-old, unless they are a parent, are not included as a perpetrator for failing to act? Thank participants for sharing.
<b>Additional Notes</b>	

## **Section V: Culpability**

**Estimated Length of Time: 35 minutes**

### **Corresponding Learning Objectives:**

- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Describe a case situation that meets one standard of culpability.

## Section V: Culpability

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b>  Display Slides 4 through 8	<b>Introduce Section</b>  <b>Say:</b> Look again at the decision tree on page 16 of the <i>Participant Guide</i> .  <b>Ask:</b> Now let's suppose we have a perpetrator. What is the next determination that must be made in a child abuse investigation?  Ask someone to explain why it is important to consider culpability in a child abuse investigation. Two examples are offered below: <ul style="list-style-type: none"> <li>• Accidental behavior is not considered to be child abuse.</li> <li>• Holds people accountable for their actions.</li> </ul> Ask if anyone remembers the three standards of culpability.  <b>Do:</b> Display and review Slides #4 through #6.  Ask if anyone can remember from the old definition of child abuse, the old corresponding component of child abuse.  <b>Do:</b> If no one can answer, display Slides #7 and #8. Explain that the concept of culpability was addressed in the previous version of the CPSL, however has changed to be consistent with criminal code, which defines each standard.	<i>Participant Guide: page 16: CPS Decision Tree</i>	<b>3</b>	
<b>Step 2</b>	<b>Culpability Review</b>  <b>Say:</b> Let's look at the <i>Standards of Culpability</i> on page 30 of the <i>Participant Guide</i> . The standards can also be located on the <i>CPS Checklist Guide</i> .  <b>Do:</b> Give participants a moment to review the full definitions of each standard.  <b>Ask:</b> Are any questions about the standards of culpability?	<i>Participant Guide: page 30: Standards of Culpability</i>	<b>5</b>	
<b>Step 3</b>	<b>Activity: Applying culpability</b>  <b>Say:</b> Now we are going to apply the new law to real case situations that you believe meet one of the culpability standards.	<i>Participant Guide: page 16 CPS Checklist Guide</i>	<b>22</b>	

	<p>Each group will be assigned a standard. Your job is to identify a case situation where your standard of culpability applies. You must provide enough detail for a reasonable person to draw a conclusion.</p> <p><b>Do:</b> Divide participants into either three or six small groups. Assign each group one standard of culpability. Give each group a piece of flip chart paper. Give participants 10 minutes to complete the activity on flip chart. Circulate to answer questions or offer clarification as necessary.</p> <p>As learning needs dictate and time allows, additional cases may be considered.</p>	<p><i>Flip charts</i></p> <p><i>Markers</i></p>		
<b>Step 4</b>	<p><b>Activity: Debrief and Sharing</b></p> <p><b>Ask:</b> Ask groups to post their flip charts to the wall. Request a volunteer group to read their situation and identify which characteristic of culpability they have, if it applies, and if so, how it applies (why or why not).</p> <p>If it doesn't apply, what would need to be different to make it apply?</p> <p><b>Do:</b> Give the larger group an opportunity to respond, provide feedback to or ask questions</p>	<p><i>Participant Guide: page 30: Standards of Culpability</i></p> <p><i>Flip charts</i></p> <p><i>Markers</i></p>	<b>10</b>	

## **Section VI: Child Abuse**

**Estimated Length of Time: 50 minutes**

### **Corresponding Learning Objectives:**

- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Identify key terms related to each category of child abuse and criteria for each category of child abuse.
- Describe a case situation that represents a category of child abuse.

## Section VI: Child Abuse

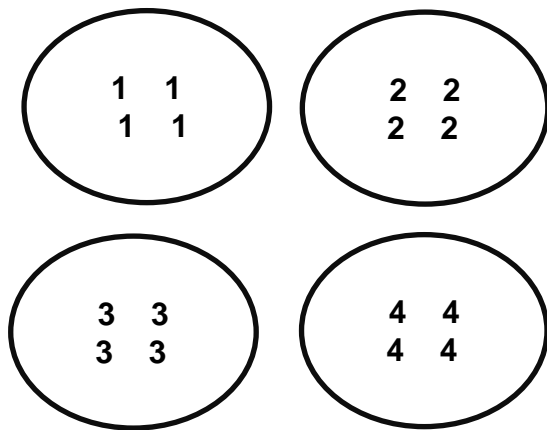
	Instructor	Materials	Time	Trainer Notes
Step 1	<p><b>Introduce Section</b></p> <p><b>Say:</b> Look back at the CPS Decision Tree on page 16 of the Participant Guide. The next step in determining if a report is indicated is, “Has the definition of child abuse been met?”</p>	Participant Guide page 16: CPS Decision Tree	1	
Step 2	<p><b>Activity: What is the definition of child abuse? (jigsaw)</b></p> <p><b>Say:</b> We are going to explore the legal definition of child abuse in small groups. Let’s begin with counting off by four.</p> <p><b>Do:</b> After each participant has a number, direct them to <i>Child Abuse</i> on pages 32 through 34 of the <i>Participant Guide</i>. The definition can also be found in the <i>CPS Checklist Guide</i>. Assign the components of the definition of child abuse as follows:</p> <p><u>Number one(s):</u> Physical abuse – 1. Causing bodily injury to a child through any recent act or failure to act; and 5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.</p> <p><u>Number two(s):</u> Sexual abuse – 4. Causing sexual abuse or exploitation of a child through any act or failure to act; and 6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.</p> <p><u>Number three(s):</u> Mental abuse and Neglect – and 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; and 7. Causing serious physical neglect of a child.</p> <p><u>Number four(s):</u> Unique –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; and 8. Engaging in any of the following recent acts...</p> <p><b>Say:</b> Looking at <i>Defining Child Abuse</i> on pages 35 and 36 of the <i>Participant Guide</i> make note of your assigned components and answer the three questions below for each component. Use pages 32 through 34 of the <i>Participant Guide</i> as a resource. After everyone has completed this portion of the activity you will be sharing your</p>	<p>Participant Guide pages 32 through 34: Child Abuse</p> <p>Participant Guide page 35 and 36: Defining Child Abuse</p> <p>Participant Guide page 37: Defining Child Abuse Notes</p>	44	

	<p>expertise in small peer groups.</p> <p><b>Do:</b> Allow 10 to 15 minutes for this portion of the activity.</p> <p><b>Say:</b> Form small groups of four, making sure each number (1, 2, 3, and 4) is represented in each group. Present your assigned components to your peers. Person number one should begin. If you wish to take notes blank space has been provided in the Participant Guide following page 37.</p> <p><b>Do:</b> Circulate among the small groups during this presentation time to ensure the components are described accurately, the examples shared are relevant, and to answer any questions. A resource is provided on the following 6 pages to assist you in offering guidance.</p> <p><b>Do:</b> Allow approximately 20 minutes for this portion of the activity.</p>			
<b>Step 3</b>	<p><b>Activity Debrief</b></p> <p><b>Ask:</b> Are there any outstanding questions related to the legal definition of child abuse?</p> <p><b>Ask:</b> How confident do you feel about your ability to determine whether an act or failure to act meets the definition of child abuse?</p>		<b>5</b>	

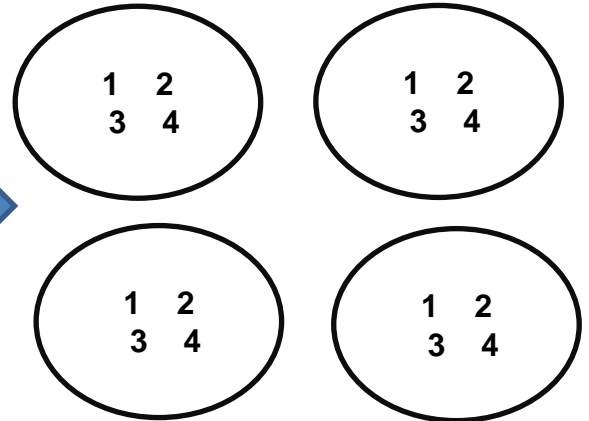
<b>Instructions for the Trainer: Section 6, Step 2</b>	
<b>Type of Activity/ Purpose</b>	<p><b>“Jigsaw Reading”</b> Jigsaw Reading is an efficient method for sharing written information across a group of participants in an engaging manner.</p> <p>Instead of reading all of the material silently and individually, groups are formed and assigned different sections of the material.</p> <p>Each group then develops expertise in that section, and shares it with the remainder of the cohort through a regrouping process.</p> <p>Using this method, participants both learn independently from text and learn cooperatively from their peers.</p>
<b>Set-up and Alternatives</b>	<p>Set-up: Divide the participants into four groups.</p> <p>Assign the components of the definition of child abuse as follows:</p> <p><u>Number one(s)</u>: Physical abuse – 1. Causing bodily injury to a child through any recent act or failure to act; and 5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.</p> <p><u>Number two(s)</u>: Sexual abuse – 4. Causing sexual abuse or exploitation of a child through any act or failure to act; and 6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.</p> <p><u>Number three(s)</u>: Mental abuse and Neglect –and 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; and 7. Causing serious physical neglect of a child.</p> <p><u>Number four(s)</u>: Unique –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; and 8. Engaging in any of the following recent acts...</p> <p>Participants will then form four new small groups, making sure that each number from their original groups are represented, and present their assigned component to their peers. Person number one should begin.</p> <p><u>Alternative for a small group</u>: Jigsaw reading is flexible and is able to accommodate smaller groups where each individual within a smaller group may be responsible for reading, learning, and finally sharing the information with the other individuals.</p>
<b>Participant Tasks</b>	<p>Participants will be completing questions on page 35 and 36 of their Participant Guide.</p> <p>Participant should be prepared to share the information they've learned with the group.</p>
<b>Facilitation Tasks</b>	Circulate, assist, and monitor groups to keep discussion productive and on track.
<b>Debrief</b>	<p>Call time after 15 minutes.</p> <p>Regroup participants into new groups, each with at least one expert from each of the original groups. Have participants share key points with each other.</p> <p>Remind participants to take notes on page 37 of the Participant Guide.</p>
<b>Additional Notes</b>	

## Example of grouping, if counting participants off by four:

**First step:**



**Second Step:**



## **Trainer Resource for Child Abuse Activity**

### **(1) Causing bodily injury to a child through any recent act or failure to act**

1. What are related key terms and how are they defined?
  - Bodily injury: Impairment of physical condition or substantial pain
  - Recent act or failure to act: Any act or failure to act committed within two years of the date of the report to the department or the county agency
2. What criteria must be met?
  - Causing bodily injury to a child
  - 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.**

1. What are related key terms and how are they defined?
  - Recent act: Any act committed within two years of the date of the report to the Department of Public Welfare or county agency.
2. What criteria must be met?
  - Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease
  - results in a potentially harmful medical evaluation or treatment to the child
  - 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.**

1. What are related key terms and how are they defined?
  - Serious mental injury: A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal or 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.
2. What criteria must be met?
  - Causing or substantially contributing to serious mental injury
  - 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.**

1. What are related key terms and how are they defined?

- Sexual abuse or exploitation: Any of the following:  
Using a child, by employment, persuasion, coercion, etc., to engage in or assist another to engage in sexually explicit conduct, including but not limited to:
  1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
    - i. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
    - ii. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
    - iii. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
    - iv. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

Exception: Consensual activities between a child 14 years of age or older and another person who is 14 years old or older and within 4 years of the child's age is not an offense under this definition.

2. Any of the following offenses committed against a child:

Rape (18 Pa. C.S. §3121)  
Statutory sexual assault (18 Pa. C.S. §3122.1)  
Involuntary deviate sexual intercourse (18 Pa. C.S. §3123)  
Sexual assault (18 Pa. C.S. §3124.1)  
Institutional sexual assault (18 Pa. C.S. §3124.2)  
Indecent assault (18 Pa. C.S. §3126)  
Indecent exposure (18 Pa. C.S. §3127)  
Incest (18 Pa. C.S. §4302)  
Prostitution (18 Pa. C.S. §5902)  
Sexual abuse (18 Pa. C.S. §6312)  
Unlawful conduct with a minor (18 Pa. C.S. §6318)  
Sexual exploitation (18 Pa. C.S. §6320).

Sexual misconduct: Any act, including but not limited to, any verbal, nonverbal, written or electronic communication, or physical activity, directed toward or with a child or a student regardless of the age of the

child or student that is designed to establish a romantic or sexual relationship with the child or student. **Student** - An individual enrolled in a public or private school, intermediate unit or area vocational-technical school who is under 18 years of age.

Such prohibited acts include, but are not limited to:

- (1) Sexual or romantic invitations;
- (2) Dating or soliciting dates;
- (3) Engaging in sexualized or romantic dialogue;
- (4) Making sexually suggestive comments;
- (5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature; or
- (6) Any sexual, indecent, romantic, or erotic contact with the child or student.

2. What criteria must be met?

- Causing sexual abuse or exploitation
- 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.**

1. What are related key terms and how are they defined?

- Bodily injury: Impairment of physical condition or substantial pain
- Recent act or failure to act: Any act or failure to act committed within two years of the date of the report to the department or the county agency

2. What criteria must be met?

- Creating a reasonable likelihood of bodily injury
- through any recent act or failure to act or a series of such acts or failures to act

**(6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.**

1. What are related key terms and how are they defined?

- Sexual abuse or exploitation: Any of the following:  
Using a child, by employment, persuasion, coercion, etc., to engage in or assist another to engage in sexually explicit conduct, including but not limited to:

3. 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:

- v. 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.

- vi. 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.
- vii. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
- viii. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

Exception: Consensual activities between a child 14 years of age or older and another person who is 14 years old or older and within 4 years of the child's age is not an offense under this definition.

- 4. Any of the following offenses committed against a child:

Rape (18 Pa. C.S. §3121)  
 Statutory sexual assault (18 Pa. C.S. §3122.1)  
 Involuntary deviate sexual intercourse (18 Pa. C.S. §3123)  
 Sexual assault (18 Pa. C.S. §3124.1)  
 Institutional sexual assault (18 Pa. C.S. §3124.2)  
 Indecent assault (18 Pa. C.S. §3126)  
 Indecent exposure (18 Pa. C.S. §3127)  
 Incest (18 Pa. C.S. §4302)  
 Prostitution (18 Pa. C.S. §5902)  
 Sexual abuse (18 Pa. C.S. §6312)  
 Unlawful conduct with a minor (18 Pa. C.S. §6318)  
 Sexual exploitation (18 Pa. C.S. §6320).

Sexual misconduct: Any act, including but not limited to, any verbal, nonverbal, written or electronic communication, or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student. **Student** - An individual enrolled in a public or private school, intermediate unit or area vocational-technical school who is under 18 years of age.

Such prohibited acts include, but are not limited to:

- (7) Sexual or romantic invitations;
- (8) Dating or soliciting dates;
- (9) Engaging in sexualized or romantic dialogue;
- (10) Making sexually suggestive comments;
- (11) Self-disclosure or physical exposure of a sexual, romantic or erotic nature; or
- (12) Any sexual, indecent, romantic, or erotic contact with the child or student.

- Recent act or failure to act: Any act or failure to act committed within two years of the date of the report to the department or the county agency

2. What criteria must be met?
  - Creating a likelihood of sexual abuse or exploitation
  - through any recent act or failure to act

**(7) Causing serious physical neglect of a child.**

1. What are related key terms and how are they defined?
  - Serious physical neglect: Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:
    - A repeated, prolonged or unconscionable 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.
2. What criteria must be met?
  - Causing serious physical neglect

**(8) Engaging in any of the following recent acts:**

1. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
2. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
3. Forcefully shaking a child under one year of age.
4. Forcefully slapping or otherwise striking a child under one year of age.
5. Interfering with the breathing of a child.
6. 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.
7. 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).

1. What are related key terms and how are they defined?

Recent act: Any act committed within two years of the date of the report to the Department of Public Welfare or county agency.

2. What criteria must be met?
  - Outlined one by one in the definition

**(9) Causing the death of the child through any act or failure to act.**

1. What are related key terms and how are they defined?
  - None
2. What criteria must be met?
  - Causing the death of the child
  - through any act or failure to act

## **Section VII: Exclusions to Child Abuse**

**Estimated Length of Time: 30 minutes**

### **Corresponding Learning Objectives:**

- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Given case scenarios, determine whether an exclusions to child abuse apply.

## Section VII: Exclusions to Child Abuse

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b>	<b>Introduce Section</b>  <b>Do:</b> Refer to <i>CPS Decision Tree</i> on page 16 of the <i>Participant Guide</i>  <b>Ask:</b> What is the next determination that must be made in a child abuse investigation? Ask someone to explain why we consider exceptions in a child abuse investigation.	<i>Participant Guide: page 16: CPS Decision Tree</i>	<b>1</b>	
<b>Step 2</b>  Display Slides 9 through 4	<b>Exclusion Review</b>  <b>Do:</b> Review the Exclusions to child abuse using Slides 9 through 14.  <b>Say:</b> Let's look at the Exclusions on pages 39 and 40 of the <i>Participant Guide</i> . They can also be found on the <i>CPS Checklist Guide</i> .  <b>Do:</b> Give participants several minutes to review the exclusions. Suggest that they mark any exclusions they have dealt with in cases.  <b>Ask:</b> Ask if there are any questions about the exclusions.	<i>Participant Guide: pages 39 and 40: Exclusions</i>	<b>9</b>	
<b>Step 3</b>	<b>Activity: Applying Exclusions</b>  <b>Say:</b> Now we are going to determine when and whether exclusions are applicable. Each group will be assigned a situation. Your job is to determine whether an exclusion applies in that situation.  <b>Do:</b> Divide participants into five small groups. Assign each group one of the situations from <i>Exclusions Worksheet</i> on pages 41 and 42 of the <i>Participant Guide</i> . Instruct each group to answer the questions for their assigned situation. Give participants 10 minutes to complete the activity. Rotate around the room to answer questions or offer clarification as necessary.	<i>Participant Guide: Participant Guide: pages 39 and 40: Exclusions</i>  <i>Participant Guide: pages 41 and 42: Exclusions Worksheet</i>	<b>10</b>	
<b>Step 4</b>	<b>Activity: Debrief and Sharing</b>  <b>Say:</b> Let's look at these situations together.  <b>Ask:</b> Request a volunteer group to read their situation and share the answers to their questions.	<i>Participant Guide: Participant Guide: pages 39 and 40: Exclusions</i>	<b>10</b>	

	<p><b>Do:</b> Give the larger group an opportunity to respond, provide feedback to, or ask questions.</p> <p>A resource is provided on the following page to assist you in offering guidance.</p>	<p><i>Participant Guide: pages 41 and 42: Exclusions Worksheet</i></p>		
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## Trainer Resource for Exclusions to Child Abuse Worksheet

**Ben:**

Does an exclusion apply? Use of force for supervision, control and safety purposes

- (1) Why or why not? The use of reasonable force is necessary:
- for self-defense or the defense of another individual; or
  - 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.

**Devon:**

Does an exclusion apply? Practice of religious beliefs

Why or why not? In such cases the following shall apply:

- (1) The county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.
- (2) All correspondence with a subject of the report and the records of the department and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.
- (3) The family shall be referred for general protective services, if appropriate.
- (4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.

**Brad:**

Does an exclusion apply? No, child on child contact would not apply in this situation based on the definitions of child abuse and perpetrator.

(10) Why or why not?

Perpetrator Definition: (1) The term includes only the following:

- (iv) A person 14 years of age or older and responsible for the child's welfare.
- (v) An individual 14 years of age or older who resides in the same home as the child.

Type of Abuse: (1) Causing bodily injury to a child through any recent act or failure to act

**Michael**

Does an exclusion apply? Not enough information.

Why or why not? Nothing in the situation suggests that Michael has suffered as a result. It only says that mother is often unable to purchase food at the end of the month and Michael often arrives at school with only bread. The mother may be aware that the school provides Michael food when she sends only bread, so she continues to do so. This may allow her to have food at home.

We don't know with certainty that she is spending money on the cocaine. The possibility exists that it is given to her.

## **Section VIII: Indicated and Founded Case Requirements**

**Estimated Length of Time: 5 minutes**

### **Corresponding Learning Objectives:**

- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Identify new criteria for indicated and founded reports of child abuse.

## Section VIII: Indicated and Founded Case Requirements

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b>  Display slides 15 through 17	<b>Decision Tree Introduction</b>  <b>Say:</b> Review the CPSL updates surrounding indicated and founded reports using slides 15 through 17.		5	

## **Section IX: Department Notification**

**Estimated Length of Time: 5 minutes**

### **Corresponding Learning Objectives:**

- Describe CCYAs requirements for reporting case status to the Department.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Describe CCYAs requirements for reporting case status to the Department.

## Section IX: Department Notification

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b>  Display slide 18	<b>Department Notification</b>  <b>Ask:</b> Can anyone recall CCYAs requirements for reporting case status to the Department?  <b>Do:</b> Display slide 18 and review notification requirements if participants are unfamiliar with the requirements.		5	

## **Section X: Tool Application**

**Estimated Length of Time: 35 minutes**

### **Corresponding Learning Objectives:**

- Apply decision making tools to case scenarios to determine the disposition of cases.

### **Section/Task Objectives:**

Upon completing this section, participants will be able to:

- Apply decision making tools to case scenarios to determine the disposition of cases.

## Section X: Tool Application

	Instructor	Materials	Time	Trainer Notes
<b>Step 1</b>  Display Slide 18	<p><b>Decision Tree Application: Provided Scenario</b></p> <p><b>Say:</b> Review the scenario on slide 18 and apply the decision trees to determine the disposition of the case. Assume that all allegations are true and the date of report was after December 31, 2014.</p> <p><u>Perpetrator:</u> Yes. Child's parent for committing an act</p> <p><u>Culpability:</u> Yes. Mother is intentionally and knowingly leaving the child with a child molester.</p> <p><u>Child Abuse:</u> Possibly, but not enough information</p> <p>(8) Engaging in any of the following recent acts:</p> <p>7. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:</p> <ol style="list-style-type: none"> <li>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.</li> <li>Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.</li> </ol> <p><u>Exclusions:</u> None apply</p> <p><u>Founded report:</u> No reasons apply</p>	<p><i>Participant Guide: page 16: CPS Decision Tree</i></p> <p><i>Participant Guide: pages 17 through 20: CPS Checklist: Disposition</i></p> <p><i>Participant Guide: pages 21 through 26: CPS Checklist Guide</i></p>	5	
<b>Step 2</b>	<p><b>Decision Tree Application: Participants' Cases</b></p> <p><b>Say:</b> You will now have an opportunity to apply your learning and the tools provided to real cases that you provide. You may choose to use the <i>CPS Decision Tree</i> or the <i>CPS Checklist</i>, whichever tool they find more helpful. The <i>CPS Checklist Guide</i> is intended to accompany both tools.</p>	<p><i>Participant Guide: page 16: CPS Decision Tree</i></p> <p><i>Participant Guide: pages 17 through 20: CPS</i></p>	25	

	<p><b>Ask:</b> Can someone provide the group with a situation, perhaps from a recent case, to which we can apply the tools?</p> <p><b>Do:</b> Facilitate participants' application of the decision tree to cases that they provide.</p> <p><b>Do:</b> If participants struggle with any concepts that you did not cover because they were not prioritized, you may suggest taking some time to consider that content. Cover that content area as appropriate.</p> <p>Remind participants that resources are available on the Resource Center website. As well, they can access and review the online module any time they would like.</p>	<p><i>Checklist: Disposition</i></p> <p><i>Participant Guide: pages 21 through 26: CPS Checklist Guide</i></p>		
<b>Step 3</b>	<p><b>Implementation Plan</b></p> <p><b>Do:</b> Ask participants to think about how they might transfer the information and conversations from today's session to help with their open cases. They should turn to page 43 of the <i>Participant Guide, Implementation Plan</i>, and complete.</p>	<p>Participant Guide Page 43: Implementation Plan</p>	<b>5</b>	

**Trainer Note:** Please remember to fill out the Trainer Feedback form (either on paper or digitally) and return it to the Child Welfare Resource Center. This will ensure corrections to content and continued appropriate focus.

**Trainer Note:** If appropriate, please use the After Action Review form provided on the following pages to guide your discussion with participants. Responses will then be recorded digitally.

**Trainer Resource:** After Action Review Form

**Note:** *Please see How to Guide, page 13, for additional directions and/or examples.*

**Question 1a:** What went well?

**Process:** (TOL structure and setup)

**Question 1b:** What went well?

**Practice:** (Application, individuals putting the new knowledge into practice)

**Question 1c:** What went well?

**Implementation:** (Systemic or organizationally)

**Question 2a:** What could we do differently? What didn't go well? What would you change?

**Process:** (TOL structure, setup, etc.)

**Question 2b:** What could we do differently? What would you change? What didn't go well?

**Practice:** (Application, individuals putting the new knowledge into practice)

**Question 2c:** What didn't go well?

**Implementation:** (Systemic or organizational)

**Question 3a:** What do you need to continue to implement or put this into practice?

**Process:** (TOL structure, setup, etc.)

**Question 3b:** What do you need to continue to implement or put into practice?

**Practice:** (Application, individual putting the new knowledge into practice)

**Question 3c:** What do you need to continue to implement or put into practice?  
**Implementation:** (Systemic or organizational)

**Question 4a:** Write in a question specific to topic or agency need (only if not captured above for information the county would like to capture).

**Process:** (TOL structure, setup, etc.)

*Your question:*

**Practice:** (Application, individuals putting the new knowledge into practice)

*Your question:*

**Implementation:** (Systemic or organizationally)

*Your question:*

## References

Commonwealth of Pennsylvania. The Child Protective Services Law (23 Pa.C.S. Chapter 63). (2014).

University of Pittsburgh. (2014). Pennsylvania child protective services Law: Module 6: Dispositions of cases. Mechanicsburg, PA: University of Pittsburgh School of Social Work, Pennsylvania Child Welfare Resource Center.