



**205:  
Safety, Permanence, and Well-Being:  
Legal Mandates in Pennsylvania,  
The Child Protective Services Law**

**A Training Curriculum  
Part Two of Four**

**Developed by  
Joan M. Mosier, MPA**

**Revised May 2008 by  
Robert Winesickle**

**For the  
Pennsylvania Child Welfare  
Training Program**

**University of Pittsburgh,  
School of Social Work  
Pittsburgh, PA**

**May 2008**

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Acknowledgements**

The Pennsylvania Child Welfare Training Program would like to thank the members of the Quality Assurance Committee established to review, revise, and evaluate the curriculum. The following persons supported and contributed to the effort during its development.

Carla Clark, Northumberland County Children and Youth Services  
Kimberly Early, Office of Children, Youth and Families  
Tyrone Harvey, Philadelphia Department of Human Services  
Janice Jervay, Philadelphia Department of Human Services  
Holly Judge, Montgomery County Children and Youth Services  
Deb Lesik, Crawford County Children and Youth Services  
Lorraine McConahy, Pennsylvania Child Welfare Training Program  
Ken Racowski, Lackawanna County Children and Youth Services  
Barb Robbins, Pennsylvania Children and Youth Administrators  
Jessica Shiffler, Pennsylvania Child Welfare Training Program

Copyright © 2008, The University of Pittsburgh

This material is copyrighted by the University of Pittsburgh. It may be used freely for training and other educational purposes by public child welfare agencies and other not-for-profit child welfare agencies that properly attribute all material use to The University of Pittsburgh. No sale, use for training for fees, or any other commercial use of this material in whole or in part is permitted without the express written permission of The Pennsylvania Child Welfare Training Program of the School of Social Work at The University of Pittsburgh. Please contact the Training Program at (717) 795-9048 for further information or permissions.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **An Overview of the Curriculum**

### **Rationale:**

Public child welfare is a legally-driven system. As such, services must be delivered within the legal framework that guides, steers, and dictates the parameters of those services.

Best practice standards for Pennsylvania's child welfare system note that staff must have a working knowledge of the laws and regulations related to child welfare practice. Learning to effectively apply child welfare law and state regulation in daily practice enables the Child Welfare Professional to protect children from abuse, assure stability in their living situations, and give children and families what they need to help children develop appropriately. In order to reach these positive outcomes for children and families, this four-part workshop examines child welfare law and state regulation and their relationship to safety, permanence, and well-being.

### **Competency:**

**205:** The Child Welfare Professional knows the role and responsibility of the caseworker in the juvenile court, knows applicable rules of evidence, is able to prepare testimony, and can testify appropriately in juvenile court hearings.

### **Goal for the Series:**

From intake to case closure, participants will be able to recognize, select, interpret, and apply child welfare law and regulation as they relate to safety, permanence, and well-being.

#### **Awareness**

- ✓ Recognize how law and regulation guide the casework process.
- ✓ Explain the relationship among Federal law, state law, state regulation, bulletins, special transmittals, and policy clarifications.
- ✓ Express how statute impacts practice at the state and county levels.

#### **Knowledge**

- ✓ Identify the major provisions of the Pennsylvania child welfare legal mandates, including:
  - ~Child Protective Services Law and Regulation Chapter 3490,
  - ~Juvenile Act and Regulation Chapter 3130,
  - ~Adoption Act and Regulation Chapter 3350.
- ✓ Identify which law or regulation addresses an identified topic area.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Goal for the Series (continued):**

### **Understanding**

- ✓ Describe the law and regulation as they relate to safety, permanence, and well-being outcomes, including:
  - ~Child Protective Services Law and Regulation Chapter 3490,
  - ~Juvenile Act and Regulation Chapter 3130,
  - ~Adoption Act and Regulation Chapter 3350.
- ✓ Describe the court including the participants and their roles.
- ✓ Associate child welfare law and regulation with the casework process.

### **Application**

- ✓ Locate identified topic areas within law and regulation.
- ✓ Classify law and regulation as addressing safety, permanence, or well-being outcomes.
- ✓ Interpret statute based on case law.
- ✓ Demonstrate an ability to translate a case in the files to a case in the courtroom.

## **Learning Objectives:**

Participants will be able to:

- ✓ Describe how the Child Protective Services Law and the Chapter 3490 regulations guide services for children and families in Pennsylvania.
- ✓ Identify the major provisions of the Child Protective Services Law.
- ✓ Match the legal mandates of the Child Protective Services Law and the Chapter 3490 regulations to safety, permanence, and well being.
- ✓ Match the legal mandates of the Child Protective Services Law and the Chapter 3490 regulations to the casework process.

## **Length of Workshop:**

6 hours

## **Materials Needed to Present Workshop:**

- ✓ Sign-in sheets
- ✓ Name tents
- ✓ Markers
- ✓ Masking tape
- ✓ Flip chart stands
- ✓ Flip chart pads
- ✓ Folders (optional)

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **An Overview of the Curriculum (continued)**

### **Materials Needed to Present Workshop (continued):**

- ✓ Overhead projector and screen
- ✓ Curriculum with transparencies
- ✓ Handouts for participants
- ✓ Banner headings: WIIFM and Parking Lot (optional)
- ✓ Sentence strips or flip chart sheets cut to about 3"x24" or flip chart sheets (either the completed ones from Part One of the series or blank ones)
- ✓ Small prizes (optional)
- ✓ One copy of the current Annual Child Abuse Report for each participant table
- ✓ A copy of form CY-48 for each participant and one for each participant table
- ✓ One or two copies per participant table of the Report of Suspected Child Abuse to Law Enforcement Official, CY 104
- ✓ One or two copies per participant table of the Pennsylvania Child Abuse History Clearance, CY 113
- ✓ One or two copies per participant table of the Request for Criminal Record, SP4-164
- ✓ Table copies of the University of Pittsburgh Child Welfare Training Program Resource Book (2 copies per table)

### **Target Audience:**

Child Welfare Professionals who have completed their 120 hours of Direct Service Certification through Child Welfare Professional CORE or Charting the Course towards Permanency for Children in Pennsylvania.

### **Summary:**

Learning to effectively apply child welfare law and state regulation in daily practice enables the Child Welfare Professional to protect children from abuse, assure stability in their living situations, and give children and families what they need to help children develop appropriately. This four-part workshop examines child welfare law and state regulation and their relationship to safety, permanence, and well-being

### **Expectations of the Trainer:**

The trainer must have child welfare experience and a comprehensive, working knowledge of the laws, regulations, and other mandates that dictate child welfare practice, including the Adoption and Safe Families Act, Juvenile Act, Child Protective Services Law, and Adoption Act.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **An Overview of the Curriculum (continued)**

### **PA Standards:**

IA: Assessment: Assess Inquiries  
IC: Assessment: Make Investigative Decisions  
IH: Assessment: Consider Culture  
IIB: Service Planning: Select an Appropriate Goal  
IIC: Service Planning: Write the Plan  
IIIG: Service Planning: Determine Length of Service  
IIIK: Service Delivery: Determine Least Restrictive Setting  
IIIO: Service Delivery: Plan Family Visits

### **CFSR Issues:**

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.  
Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.  
Permanency Outcome 1: Children have permanency and stability in their living situations.  
Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.  
Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.  
Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.  
Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.

### **Interactional Skills:**

Tuning in to the Phase of the Helping Process You're in  
Clarifying Purpose, Function, and Role  
Identifying Next Steps

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Agenda for a Full-Day Curriculum on Safety, Permanency, and Well-Being: Legal Mandated in Pennsylvania, The Child Protective Services Law**

<b>Estimated Time</b>	<b>Content</b>	<b>Page</b>
30 minutes	Section I: Introduction	7
1 hour	Section II: Protective Services	13
1 hour, 30 minutes	Section III: County Agency Responsibilities: Child Protective Services	20
1 hour, 15 minutes	Section IV: County Agency Responsibilities: General Protective Services	39
1 hour, 15 minutes	Section V: Powers and Duties of the Department of Public Welfare	49
15 minutes	Section VI: Education and Training	62
15 minutes	Section VII: Evaluation and Closure	65

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section I: Introduction**

### **Estimated Length of Time:**

30 minutes

### **Rationale:**

Group trust and cohesiveness assist in creating a positive environment for learning. When the trainer starts a workshop with an opening activity which engages the participants, promotes the development of cohorts and makes a point which relates to the training topic, participants will be encouraged to interact initiating the development of group trust and cohesiveness. Group and individual efforts are further aided by an orientation to the workshop goals and objectives, an understanding of how the workshop fits into the broader four course series, and the expectations of the participants as learners.

### **Learning Objectives:**

Participants will be able to:

- ✓ Outline the course, course competency, goal, and learning objectives.
- ✓ Identify their learning needs.

### **Methods of Presentation:**

Lecture, optional small group activity, and large group discussion

### **Materials Needed:**

- ✓ Sign-in sheets
- ✓ Name tents
- ✓ Markers
- ✓ Masking tape
- ✓ Flip chart easel
- ✓ Flip chart pad
- ✓ Folders (optional)
- ✓ Overhead projector and screen
- ✓ Sentence strips or flip chart sheets cut to about 3"x24" or flip chart sheets (either the completed ones from Part One of the series or blank ones)
- ✓ Banner headings: WIIFM and Parking Lot (optional)
- ✓ Small prizes (optional)
- ✓ **Overhead #1 (Workshop Overview)**
- ✓ **Overhead #2 (Goal)**
- ✓ **Overhead #3 (Learning Objectives)**
- ✓ **Overhead #4 (Agenda)**
- ✓ **Handout #1 (Workshop Overview)**
- ✓ **Handout #2 (Agenda)**
- ✓ One copy of the current Annual Child Abuse Report for each participant table
- ✓ Table copies of the University of Pittsburgh Child Welfare Training Program Resource Book



# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section I: Introduction (continued)**

### **Resources Used:**

Pennsylvania Child Welfare Training Program. (2006). *Safety, Permanence, and Well-being: Legal Mandates in Pennsylvania, Overview*. University of Pittsburgh: Mechanicsburg, PA.

### **PA Standards:**

IA: Assessment: Assess Inquiries

IC: Assessment: Make Investigative Decisions

IH: Assessment: Consider Culture

### **CFSR Issues:**

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

### **Interactional Skills:**

Tuning in to the Phase of the Helping Process You're in

Clarifying Purpose, Function, and Role

Identifying Next Steps

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section I: Introduction**

### **A. Preliminaries**

**Trainer Note:** Prepare the training room in advance by placing name tents, markers, one copy of the Chapter 3490 regulations for each participant, and one copy of the *Annual Child Abuse Report* on each participant table. If appropriate WIIFM items were retained from the first session, they should be hung on the wall. As participants arrive, greet each one and ask them to sign in.

Additional materials for initial distribution to participants are **Handout #1 (Workshop Overview)** and **Handout #2 (Agenda)**. The trainer may wish to place the handouts in a folder and can decide how to best distribute all the materials, i.e. placing them on the tables in advance or handing them to each participant.

#### **Step 1:**

(The intent of the series is that the trainer and participants will be the same throughout the series. Nonetheless, there may be others who are in attendance for this segment that were not in part one with this group, such as when a participant missed this segment of the training while attending the series with another group of cohorts. Depending upon the circumstances, the trainer may only need give brief reminders of the rules and the trainer.)

The trainer starts the training session by covering the following points:

- ✓ Welcome participants to the training.
- ✓ Review the details of the Training Program's trainings, including:
  - 15 minute rule
  - sign-in sheet
  - evaluation
  - credits available for completion of the training
- ✓ Introduce the trainer.

#### **Step 2:**

The trainer states that learning to effectively apply child welfare law and state regulation in daily practice enables Child Welfare Professionals to protect children from abuse, assure stability in their living situations, and give children and families what they need to help children develop appropriately. This four-part workshop examines child welfare law and state regulation and their relationship to safety, permanence, and child and family well-being.

Using **Handout #1 (Workshop Overview)** and **Overhead #1 (Workshop Overview)**, the trainer provides an overview of the four parts that make up the *Legal Mandates in Pennsylvania Training Series*:

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section I: Introduction (continued)**

### **Step 2 (continued):**

- Part 1: Overview (two days)
- Part 2: The Child Protective Services Law (one day)
- Part 3: The Juvenile Act and Going to Court (one day)
- Part 4: The optional Liability and Risk Management in Child Welfare Services (two days)

The trainer reminds participants that this training is Part 2 regarding The Child Protective Services Law.

### **Step 3:**

The trainer draws attention to the course competency for participant review using **Handout #1 (Workshop Overview)**. The course competency is:

*205:* The Child Welfare Professional knows the role and responsibility of the caseworker in the juvenile court, knows applicable rules of evidence, is able to prepare testimony, and can testify appropriately in juvenile court hearings.

### **Step 4:**

Using **Handout #1 (Workshop Overview)** and **Overhead #2 (Goal)**, the trainer notes that the goal of the workshop is that from intake to case closure, participants will be able to recognize, select, interpret, and apply child welfare laws and regulation as they relate to safety, permanence, and well-being.

### **Step 5:**

The trainer reviews the course learning objectives using **Handout #1 (Workshop Overview)** and **Overhead #3 (Learning Objectives)**. The overall learning objectives, which describe what participants will be able to do at the completion of the workshop are:

- ✓ Describe how the Child Protective Services Law and the Chapter 3490 regulations guide services for children and families in Pennsylvania.
- ✓ Identify the major provisions of the Child Protective Services Law.
- ✓ Match the legal mandates of the Child Protective Services Law and the Chapter 3490 regulations to safety, permanence, and well being.
- ✓ Match the legal mandates of the Child Protective Services Law and the Chapter 3490 regulations to the casework process.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section I: Introduction (continued)**

### **Step 6:**

The trainer reviews the agenda for part two of the workshop using **Handout #2 (Agenda)** and **Overhead #4 (Agenda)**. The major sections of the Agenda are:

- I. Introduction
- II. Protective Services
- III. County Agency Responsibilities: Child Protective Services
- IV. County Agency Responsibilities: General Protective Services
- V. Powers and Duties of the Department of Public Welfare
- VI. Education and Training
- VII. Evaluation and Closure

### **Step 7:**

The trainer reminds participants that the day's training will be held from 9:00 a.m. to 4:00 p.m. with a one hour break for lunch and mid-morning and mid-afternoon breaks. The trainer discusses any special housekeeping details including a request to turn off the ringers on cell phones.

### **Step 8:**

The trainer arranges participants in small groups of four to five persons each. If participants have retained their name tents from part one of the series, the trainer may wish to use them instead of creating new name tents. However, if new participants have joined the group or anyone did not return with their name tent, at least some new name tents will need to be created. The trainer can also choose to have everyone create a new name tent.

Using either construction paper (folded in thirds), index cards (folded in half), or other name tent material, the trainer instructs participants to write their first name in the center of their name plate with a marker.

The trainer instructs participants to write the county in which they work in the top right corner of the name plate. The trainer instructs participants to write their position in the agency in the top left corner.

The trainer asks participants to write the type of service they provide in the bottom left corner. The trainer asks participants to write the amount of experience they have in child welfare in the bottom right corner. As an alternative, the trainer may wish to have participants write the number of child abuse investigations (or similar number) in the bottom right corner.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section I: Introduction (continued)**

### **Step 8 (continued):**

If the trainer deems it appropriate to generate new learning needs, the trainer asks participants to turn their name tents over and note on the back of the name tent what they most want or need to know about child protective services to help them do their jobs better. (If the name tents from part one are being used, and the trainer deems it appropriate to generate new learning needs, the participants can list their learning needs on the inside of their name tents.)

When the name and four corners, and need are complete, the trainer asks participants to stand their name plate in front of them.

### **Step 9:**

If no new participants have joined the session and participants are seated with the same people as in part one, introductions may not be necessary. However, if new participants have joined the group, they should be assimilated into the groups. The trainer asks participants to share introductory information from their name tents with the others seated at their table.

If new learning needs were solicited, the trainer asks each group to compile a list of their priority needs and wants for this session and note them on individual sentence strips or on a sheet of flip chart paper.

### **Step 10:**

The trainer reconvenes the large group and circulates among the small groups to determine their needs and wants. If sentence strips were used, the trainer rotates among the small groups to determine the needs and hang the sentence strips under headings for *WIIFM* (What's in it for me) or *Parking Lot*. Parking lot items reflect those issues that are beyond the scope of the training. The trainer should refer participants to appropriate resources for those items.

If sheets of flip chart paper were used to reflect the needs, the trainer asks each small group to hang and review its needs.

The trainer should point out any needs that were retained from part one of the series. The trainer monitors and refers to the needs throughout the training, noting their relationship to the content.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section II: Protective Services**

### **Estimated Length of Time:**

1 hour

### **Rationale:**

Pennsylvania law and regulation define two types of protective services: child protective services (CPS) and general protective services (GPS). The two comprise the foundation upon which other child welfare services are developed and delivered. Although CPS and GPS are both a part of protective services and are established in the same law and regulated under the same chapter of regulation, significant differences exist between the two. There are also identical requirements and procures. This section of the training will help participants to compare and contrast CPS and GPS so that they will have the foundation understanding of the distinctions before they learn to effectively apply the requirements for CPS investigations, GPS assessments and service provision.

### **Learning Objectives:**

Participants will be able to:

- ✓ Differentiate between child protective services and general protective services.

### **Methods of Presentation:**

Lecture, small group activities, and large group discussion

### **Materials Needed:**

- ✓ Overhead projector and screen
- ✓ **Overhead #5 (Protective Services)**
- ✓ **Overhead #6 (CPS vs. GPS)**
- ✓ **Handout #3 (CPS vs. GPS)**
- ✓ **Handout #4 (What Type of Referral Am I?)**

### **Resources Used:**

Pennsylvania. (2003). *Child Protective Services Law, Title 23, PA C.S, Chapter 63*.

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2003). *The Intake and Investigation Process*. University of Pittsburgh: Mechanicsburg, PA.

Pennsylvania Family Support Alliance. (2005). *Recognizing and Responding to Child Neglect: A Guide to General Protective Services*. Pennsylvania Family Support Alliance: Harrisburg, PA.

### **PA Standards:**

IA: Assessment: Assess Inquiries

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section II: Protective Services (continued)**

### **CFSR Issues:**

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

### **Interactional Skills:**

Tuning in to the Phase of the Helping Process You're in  
Clarifying Purpose, Function, and Role

### **A. A Comparison of CPS and GPS**

#### **Step 1:**

The trainer tells participants that in the first part of the legal series, they gained the knowledge and awareness of several key pieces of The Child Protective Services Law. Using **Overhead #5 (Protective Services)**, the trainer reminds participants that they reviewed the definition of protective services as services and activities provided by the Department of Public Welfare and each county children and youth agency for children who are abused or in need of general protective services.

The trainer reminds participants that child protective services are services and activities provided by the Department of Public Welfare and each county children and youth agency for child abuse cases.

The trainer reminds participants that general protective services exist to prevent the potential for harm to a child. A potential for harm is something that is likely, if permitted to continue, to have a detrimental effect on the child's health, development or functioning.

The trainer notes that child neglect is the most frequently identified type of child maltreatment in the United States. Official sources in Pennsylvania estimate that child protective services investigations in Pennsylvania account for approximately 30 percent of the total reports investigated or assessed by the child welfare system. The remaining 70 percent includes referrals of general protective services and information and referral.

The trainer states that although CPS and GPS are both a part of protective services and are established in the same law--the Child Protective Services Law (CPSL)--and are regulated under the same set of regulations--Chapter 3490, there are significant differences between the two. There are also requirements and procedures that are identical.

#### **Step 2:**

The trainer ensures that participants are seated in small groups of about four to five

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section II: Protective Services (continued)**

participants each. The trainer distributes **Handout #3 (CPS vs. GPS)**. The trainer asks participants to work with their small groups and respond to each question by noting the correct answer regarding CPS and the correct answer regarding GPS. The responses should be reflective of the CPSL and Chapter 3490 regulations.

### **Step 3:**

When participants have completed the task, the trainer reconvenes the large group and rotates among the small groups to determine correct responses to each of the areas.

Using **Overhead #6 (CPS vs. GPS)**, the trainer ensures that the responses are:

- What are the types of reporters of CPS?--mandated and voluntary  
What is the type of reporter of GPS?--voluntary

The trainer reminds participants that in cases of suspected child abuse, those who come in contact with children in the course of their employment, occupation or practice of their profession are mandated to report. Others are permitted to report. There is no mandate to report GPS; all reports are voluntary.

- To whom is CPS reported?--ChildLine and (optionally) the county children and youth agency  
To whom is GPS reported?--the county children and youth agency

The trainer reminds participants that mandated reporters must make reports of suspected child abuse to ChildLine and may also contact the county children and youth agency. Reports of GPS are made to the intake staff of the county children and youth agency. If a GPS referral is received by ChildLine, the staff will make the appropriate referral to the county agency.

- Is a written report required of reporters of CPS?--yes  
Is a written report required of reporters of GPS?--no

The trainer reminds participants that mandated reporters of suspected child abuse follow up their oral report within 48 hours with a written report to the county agency. The written report is The Report of Suspected Child Abuse, or CY 47. There is no comparable report in GPS cases.

- What is the type of response by the county agency to a report of CPS?--  
investigation  
What is the type of response by the county agency to a report of GPS?--  
assessment



# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section II: Protective Services (continued)**

### **Step 3 (continued):**

The trainer remarks that the term assessment carries a much less threatening tone than the term investigation.

- What is the county agency response time to CPS referrals?--immediate or 24 hours  
What is the county agency response time to GPS referrals?--immediate or prioritization

The trainer notes that when the county children and youth agency receives a report of suspected abuse, it must immediately begin an investigation and see the child if emergency protective custody is required or has or shall be taken, or if it cannot be determined from the report whether emergency protective custody is needed. Otherwise, the agency begins its investigation and sees the child within 24 hours of receipt of the report. Similarly with GPS, the agency must see the child immediately if emergency protective custody has been taken, is needed, or if it cannot be determined from the report whether or not emergency protective custody is needed. Otherwise, the agency prioritizes the response time for an assessment to assure that children who are most at risk receive an assessment first.

- Are law enforcement officials notified about CPS cases?--yes, in some cases  
Are law enforcement officials notified about GPS cases?--no, in most cases

The trainer notes that as will be discussed during this training, certain instances of CPS must be reported to law enforcement officials. Also reported to law enforcement officials are reports that cannot be investigated as suspected child abuse because the person accused of the abuse is not a perpetrator within the meaning of the CPSL. § 6368 (d) of the CPSL has been updated to specify appropriate law enforcement authorities to include the District Attorney, the District Attorney's designee or other law enforcement official, in accordance with the county protocols for investigative teams required by § 6365 (c).

- Are clearances affected in CPS cases?--yes, if substantiated  
Are clearances affected in GPS cases?--no

The trainer notes that GPS cases are never entered into the ChildLine registry so the clearances of GPS recipients are not affected.

- What is the time limit for completion of a CPS investigation?--60 days  
What is the time limit for completion of a GPS assessment?--60 days

# 205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law

## Section II: Protective Services (continued)

### Step 3 (continued):

The trainer notes that while the ultimate deadline for completion of a CPS investigation is 60 days, if the agency cannot complete the investigation within 30 days, the particular reasons for the delay must be described in the child protective service record.

- When must the county agency be available to receive referrals of CPS?--24 hours per day, seven days per week  
When must the county agency be available to receive referrals of GPS?--24 hours per day, seven days per week
- Is a safety assessment required during investigations of CPS?--yes  
Is a safety assessment required during assessments of GPS?--yes
- Is a safety plan required during investigations of CPS?--yes  
Is a safety plan required during assessments of GPS?—yes

The trainer notes that safety plans are required if the safety assessment reveals a threat to the child's safety or, in other words, if the safety decision is safe with a comprehensive safety plan or unsafe.

- Is an assessment of risk required during investigations of CPS?--yes  
Is an assessment of risk required during assessments of GPS?—yes
- Is a family service plan required in CPS cases?--yes  
Is a family service plan required in GPS cases?--yes
- What services are available to families receiving CPS services?--all  
What services are available to families receiving GPS services?--all

The trainer remarks that, despite the distinct differences, there are many similarities in cases of CPS and GPS. The trainer thanks participants for their efforts in differentiating between the two services.

### Step 4:

If time permits, the trainer conducts the following activity. The trainer notes that participants now know some basic distinctions between CPS and GPS and will practice applying the learning in response to cases that may be received at a county agency.

The trainer ensures that participants are seated in small groups of about four to five participants each. The trainer distributes **Handout #4 (What Type of Referral Am I?)** to participants and asks them to work with their small groups to discuss each of the five scenarios. Each group should determine if they would accept the case for referral, and, if so, decide what type of referral it is, what is the response time, and why.

# 205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law

## Section II: Protective Services (continued)

### Step 5:

When participants have completed the task, the trainer reconvenes the large group and rotates among the small groups to determine their responses. The scenarios and responses are:

1. Lorie has six children, ages 16, 14, 13, 11, and a set of twins who are four years old. Lorie and the children live in a home with broken windows and that is often without heat. The younger children are always begging for food and the older children are hardly ever around. The older children all have truancy issues. It is rumored that the 13-year-old is drinking and smoking.

**Response:** This is a referral of GPS since there is a potential of harm and no overt issues that fit into one of the five definitions of child abuse. Response times noted by participants will most likely vary, which is acceptable, however participants should effectively explain the rationale for the response time.

2. A neighbor refers a man, woman, and their six-year-old son. The neighbor fears that the young boy is not properly cared for: the man and woman yell loudly all the time and the boy appears unhappy and unclean. She doesn't think that he gets to school regularly, and he appears to be out of control and gets on his parents' nerves. The neighbor relates an incident when the son was three years old. The father grabbed the boy and hung him out a window of their third story apartment. He threatened to drop the boy if he did not behave. The boy was heavy and the father nearly lost his grip on the child when the mother brought the son back into the apartment.

**Response:** This is a referral of GPS since there is a potential of harm and no overt issues that fit into one of the five definitions of child abuse. (Participants may identify the hanging of the boy out the window as imminent risk. It is not since imminent risk must be a recent act, occurring within two years of the date of the report, and the incident here happened about three years ago.) Response times noted by participants will most likely vary, which is acceptable, however participants should effectively explain the rationale for the response time.

3. Lisa is the 26-year-old mother of Nancy, age three. A neighbor reports to you that Nancy was left home alone overnight when Lisa went out to search for drugs and that Lisa appeared to be frequently "high."

**Response:** This is a referral of GPS since there is a potential of harm and no overt issues that fit into one of the five definitions of child abuse. Response times noted by participants will most likely vary, which is acceptable, however participants should effectively explain the rationale for the response time.

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section II: Protective Services (continued)**

#### **Step 5 (continued):**

4. A counselor learns that a child in his program has been spending time alone with a known molester. The parents have been asking the molester to baby-sit on Friday nights since they cannot find another sitter and they both hold a second job that night.

The counselor believes that the parents know that the man has molested other children and has not received treatment. The counselor does not have any reason to believe that the child in his school has been molested. As a matter of fact, the child always talks about all of the fun things he does with Uncle Bob while mom and dad are at work.

**Response:** This is a CPS referral since the scenario describes imminent risk of sexual abuse. The child must be seen in no more than 24 hours.

5. A child care provider accompanies a mother and her two-year-old son to the local hospital at the mother's request. The mother claimed the child had fallen off his tricycle and bruised himself. The hospital took x-rays and the doctor noted bruises in various stages of healing. The x-rays confirmed a spiral fracture on the boy's right leg. The mother became very angry and denied any abuse. The provider never met the boy's father.

**Response:** This is a referral of suspected CPS as it describes suspected serious physical injury. The child should be seen immediately.

#### **Step 6:**

The trainer thanks participants for their efforts and participation. The trainer notes that as the training proceeds, participants will delve further into the requirements for CPS and GPS.

<b>Trainer Note:</b> This may be a suitable time for a break.
---

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section III: County Agency Responsibilities: Child Protective Services**

### **Estimated Length of Time:**

1 hour, 30 minutes

### **Rationale:**

The Child Protective Services Law notes that abused children are in urgent need of an effective child protective services to prevent them from suffering further injury and impairment. To meet this need, Child Welfare Professionals must have the knowledge and skills to use the law and regulation to both investigate reported maltreatment that initiates agency responsibility and to stabilize and improve the children's own homes by helping parents perform more responsibly in relation their children's care.

The knowledge and skills will assist the Child Welfare Professional in their difficult task of maintaining a just and effective balance in the use of authority in relation to the child at risk whose rights and protection depend on other persons; to parents whose right to raise their children without outside intervention is being questioned and to society which has delegated the responsibility for a protection of children from abuse.

### **Learning Objectives:**

Participants will be able to:

- ✓ Explain the responsibilities of the county agency for child protective services.
- ✓ Describe the services required for the prevention, investigation, and treatment of child abuse.
- ✓ Outline the legal mandates regarding the investigation of reports of child abuse.
- ✓ Determine when court proceedings should be initiated in cases of child abuse.
- ✓ Apply The Child Protective Services Law and Chapter 3490 regulations.

### **Methods of Presentation:**

Lecture, small group activities, and large group discussion

### **Materials Needed:**

- ✓ Markers
- ✓ Masking tape
- ✓ Flip chart paper
- ✓ Overhead projector and screen
- ✓ **Overhead #7 (Agents of the County Agency)**
- ✓ **Overhead #8 (Status Determinations)**
- ✓ **Handout #5 (Linda Wilson and Tara)**
- ✓ **Handout #6 (Linda Wilson and Tara: The Investigation)**
- ✓ Table copies of the University of Pittsburgh Child Welfare Training Program Resource Book
- ✓ A copy of form CY-48 for each participant and one for each participant table

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section III: County Agency Responsibilities: Child Protective Services (continued)**

### **Resources Used:**

Commonwealth of Pennsylvania. (2002). *Title 55, PA Code, Chapter 3490. Protective Services.*

Commonwealth of Pennsylvania. (2003). *Child Protective Services Law, Title 23, Pa. C.S., Chapter 63.*

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2000). *An Overview of the Child Protective Services Law.* Shippensburg University: Shippensburg, PA.

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2003). *The Intake and Investigation Process.* University of Pittsburgh: Mechanicsburg, PA.

Rycus, J., & Hughes, R. (1998). *Field Guide to Child Welfare.* Washington, DC: CWLA Press.

Commonwealth of Pennsylvania. (2008, March). Office of Children, Youth and Families Bulletin. *Developmental Evaluation and Early Intervention Referral Policy.* 3490-08-01

Commonwealth of Pennsylvania. (2008, March). Office of Children, Youth and Families Bulletin. *Implementation of Act 126 of 2006 Amending the Child Protective Services Law.* 3490-08-02

### **PA Standards:**

IA: Assessment: Assess Inquiries

IC: Assessment: Make Investigative Decisions

IH: Assessment: Consider Culture

### **CFSR Issues:**

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

### **Interactional Skills:**

Tuning in to the Phase of the Helping Process You're in

Clarifying Purpose, Function, and Role

Identifying Next Steps

# 205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law

## Section III: County Agency Responsibilities: Child Protective Services

### A. Responsibilities and Services

#### Step 1:

The trainer states that, as participants know, The Child Protective Services Law (CPSL) notes that abused children are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment. To meet this need, Child Welfare Professionals must have the knowledge and skills to use the law and regulations to both investigate reported maltreatment that initiates agency responsibility, and stabilize and improve the children's own homes by helping parents to perform more responsibly in relation to their children's care. Child Welfare Professionals have a difficult task of maintaining a just and effective balance in their use of authority in relation to the child at risk, whose rights and protection depend on other persons; to parents, whose right to raise their children without outside intervention is being questioned; and to society, which has delegated a responsibility for the protection of children from abuse. Discussion will now begin regarding the legal mandates that help to maintain that balance that are detailed under the section regarding County Agency Responsibilities: Child Protective Services.

#### Step 2:

The trainer asks participants to locate that section of the CPSL and turn to Section 6362. The trainer states that Section 6362 (a) of the CPSL dictates that the county agency is the sole civil agency responsible for receiving and investigating all reports of child abuse for the purpose of providing protective services to prevent further abuses to children and to provide or arrange for and monitor the provision of those services necessary to safeguard and ensure the well-being and development of the child and to preserve and stabilize family life whenever appropriate. The trainer points out that the section addresses the issues of child safety and permanence and family and child well-being.

The trainer tells participants to reference section 6362 (b) of the CPSL. The trainer states that the section addresses the concern of conflict of interest. When the suspected child abuse has been committed by the county agency or any of its agents or employees, the Department of Public Welfare assumes the role of the county agency with regard to the investigation and directly refers the child for services.

Using **Overhead #7 (Agent of the County Agency)**, the trainer explains that Chapter 3490 regulations define an agent of the county agency as a person who provides a children and youth social service either directly or under contract or through agreement with a county agency.

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section III: County Agency Responsibilities: Child Protective Services (continued)**

#### **Step 2 (continued):**

An agent includes: preadoptive parents; foster parents; staff and volunteers of public and private residential child care facilities; staff and volunteers of public and private day care centers, group day care homes and family day care homes; staff and volunteers of public and private social service agencies; staff and volunteers of county detention centers; persons residing in the home of foster or preadoptive parents; and a school employee of a facility or agency that is an agent of a county agency. The term does not include staff of Commonwealth-operated youth development centers and youth forestry camps. The county agency investigates allegations of abuse of children residing in facilities operated directly by the Department of Public Welfare.

The trainer adds that section 6362 of Chapter 3490 also requires that each county agency implement a risk assessment process and ensure at least weekly face-to-face contacts for those children assessed at being at high risk for abuse or neglect who are remaining in or returning to the home in which the abuse or neglect occurred.

#### **Step 3:**

The trainer draws participants' attention to Section 6365 of the CPSL regarding services for the prevention, investigation, and treatment of child abuse. The trainer requires that the county agency make available a variety of services for the prevention and treatment of child abuse including:

- instruction and education for parenthood and parenting skills;
- protective and preventive social counseling;
- outreach and counseling services to prevent newborn abandonment;
- emergency caretaker services;
- emergency shelter care;
- emergency medical services which include, as per Chapter 3490 regulations, appropriate emergency medical care for examination, evaluation, and treatment of children suspected of being abused;
- self-help groups organized for the prevention and treatment of child abuse to encourage self-treatment of present and potential abusers;
- part-day services;
- out-of-home placement services; and
- therapeutic activities for the child and family directed at alleviating conditions that present a risk to the safety and well-being of a child.

The trainer notes that the county agency must also make available a multidisciplinary team for the prevention, investigation and treatment of child abuse. The team must meet not less than annually.



## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section III: County Agency Responsibilities: Child Protective Services (continued)**

#### **Step 3 (continued):**

Chapter 3490 Regulation state that the teams are composed of professionals from a variety of disciplines who are consultants to the county agency in its case management responsibilities. These professionals (1) pool their knowledge and skills to assist the county agency in diagnosing child abuse; (2) provide or recommend comprehensive coordinated treatment; (3) periodically assess the relevance of the treatment and the progress of the family; and (4) participate in the State or local child fatality review team convened for the purpose of investigating a child fatality or the development and promotion of strategies to prevent child fatality. The CPSL adds that the team meets (1) to review substantiated cases of child abuse, including responses by the county agency and other agencies providing services to the child; and (2) where appropriate, to assist in the development of a family service plan for the child.

The trainer adds that Chapter 3490.62 of the Protective Services Regulation adds to the duties of the multidisciplinary team. If a child is a victim of one substantiated incident of child abuse and the county agency receives a subsequent report of suspected child abuse, the county agency administrator or supervisor must arrange for a review by the team. Prior to the meeting with the team, the administrator or designee, the supervisor, and the caseworker must review the family service plan and make a recommendation to the team on the appropriateness of the family service plan and whether additional or different services are necessary to protect the child. The county agency then modifies the family service plan, if necessary and appropriate, to reflect the recommendations of the team and implement action necessary to fulfill the recommendations.

#### **Step 4:**

The trainer draws participants' attention to section 6365 (c) of the CPSL regarding investigative teams. The trainer explains that the county agency and district attorney must develop a protocol for the convening of investigative teams for any case of child abuse involving certain crimes against children. The county protocol must include standards and procedures to be used in receiving and referring reports and coordinating investigations of reported cases of child abuse. The protocol must include a system for sharing the information obtained as a result of any interview. And, the protocol must also include any other standards and procedures to avoid duplication of fact-finding efforts and interviews to minimize the trauma to the child.

The trainer states that the district attorney must convene an investigative team in accordance with the protocol. The team consists of those individuals and agencies

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section III: County Agency Responsibilities: Child Protective Services (continued)**

### **Step 4,( continued):**

responsible for investigating the abuse or providing services to the child and must, at minimum, include a health care provider, county caseworker, and law enforcement official.

### **B. Investigation of Reports**

#### **Step 1:**

The trainer ensures that participants are seated in small groups of about four to five persons each and gives a sheet of flip chart paper to each small group. The trainer distributes **Handout #5 (Linda Wilson and Tara)** to participants and instructs participants to work with their small groups to complete the activity. For this activity, a case example regarding Linda Wilson and her daughter Tara is outlined. Participants are asked to research the CPSL and the Chapter 3490 regulations to determine the investigatory actions that must be taken. Each small group should outline its steps on a sheet of flip chart paper.

#### **Step 2:**

For trainer reference, the case is as follows: Linda Wilson is a 20-year-old single mother who lives alone with her daughter Tara, age two and a half. Linda was previously employed, but currently supports herself and Tara on public assistance. Tara stays with a day care provider for three hours, two days a week, while Linda attends job training. Tara's day care provider recently noticed several serious bruises on Tara's buttocks, legs, and back, and what appeared to be a burn on her buttocks. She called the child welfare agency. The day care provider told the caseworker that in the past month, Tara cried and fought when staff tried to take her to the toilet, and she crouched in a corner and hid when she wet or soiled her pants. She also exhibited considerable fear when anyone at the day care home mentioned the bathroom. The day care provider said this was a real departure for Tara, who was usually a loving and sweet child, and who interacted easily with both staff and the other children. The provider also said that she really liked Linda, and that Linda and Tara seemed to have a very affectionate relationship.

#### **Step 3:**

When the participants have completed the task, the trainer asks each small group to hang its completed flip chart sheet and reconvenes the large group. The trainer rotates among the small groups to elicit responses to the activity. As an alternative, the trainer

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section III: County Agency Responsibilities: Child Protective Services (continued)**

#### **Step 3, continued:**

may wish to have one group to review its list and then have the other groups fill in any missing items. The trainer ensures that the following investigatory steps in section 6368 (a) of the CPSL and in section 3490.55 of the Protective Services Regulation are discussed.

- Begin an immediate investigation.
- See the child immediately.

The trainer notes that the child must be seen immediately if emergency protective custody is required or has been or shall be taken, or if it cannot be determined from the report whether emergency protective custody is needed. Otherwise, the county agency may see the child within 24 hours of receipt of the report.

- Ensure the immediate safety of Tara and take any action necessary to provide for her safety.

The trainer notes that the agency would also have to ensure the safety of any other children in the home.

- Verbally notify ChildLine of the receipt of the report (if it was not received initially from ChildLine.)
- Determine the risk of harm to Tara if she continues to remain in the existing home environment.

The trainer notes that the agency would also have to determine the risk of harm to any other children in the home.

- Determine the nature, extent, and cause of the injuries enumerated in the report.
- Provide or arrange for services necessary to protect Tara during the investigation.
- Ensure that Tara receives a medical examination by a certified medical practitioner.

The trainer notes that Chapter 3490 regulations define certified medical practitioner as a licensed physician, a licensed physician's assistant or a certified registered nurse practitioner. The trainer adds that if there is reasonable cause to suspect there is a history of prior or current abuse, the medical practitioner has the authority to request further medical tests or the county agency has the authority to request further medical tests.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section III: County Agency Responsibilities: Child Protective Services (continued)**

### **Step 3 (continued):**

- Take, cause to be taken or obtain color photographs of the injury.

The trainer explains that the photographs must include one snapshot in which the child is clearly identifiable with the injured part of the body visible to establish the identity of the child and the actual location and extent of the injury. More than one photograph of the injury must be taken if it is necessary to obtain a clear close-up of the injury. The photographs must be secured in the case record. Note that Act 126 of 2006 has amended §6368 of the CPSL by placing into statute what has already been occurring by regulation and practice and requiring the taking of photographic identification of the child or children to be maintained with the file.

They must be identified by all of the following: (1) the name of the child; (2) the age of the child; (3) the date and time of day the photograph was taken; (4) the location at which the photograph was taken; (5) the names of witnesses present; and (6) the name of the photographer.

During the monitoring, evaluation and assessing of the case, meaning once a CPS or GPS case is accepted for ongoing services annually updated photographs must be taken and maintained in the family's case record. The child(ren)'s identity must be verified. Photographs must be taken of all children in the home, not just the identified child(ren). There is an exception to this which pertains to multi-family households. Only children of the family accepted for ongoing services are subject to this requirement.

If a family refuses to allow their child(ren) to be photographed or is unwilling to provide a photograph of the child(ren) with verification of the date taken, county agencies must document this refusal by having the family sign a refusal statement form. All attempts to meet the requirement must be documented as well. It is expected that the county agency make continued attempts throughout the life of the case to obtain photographs. Although ongoing attempts are a requirement, it is also important to be aware of the effect these attempts may have on building a positive and therapeutic relationship with the family.

Attempts must be made no less than every six months in accordance with the Family Service Plan/Child Permanency Plan. If the family is unwilling to permit the county agency to photograph the child(ren) it is acceptable to obtain family pictures, school pictures, sports photos, etc, however these photographs are only substitutes if the family continues to refuse to allow the county agency to take the photographs themselves. It is necessary however, that the identity of the child(ren) and the date the photograph was taken be verified. Suggestions for verification may include, but are not

## **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 3 (continued):**

limited to asking the child(ren)'s school or any other community agency that they may be involved with for verification or by listening to what name other siblings or children

call each other. Please note that these are suggestions only and individual counties may have their own processes regarding verification of identity.

In the event that a case is transferred to another county agency and the child(ren) is/are in need of ongoing protective services, the file must include all photographs of the children, including the annually updated photographs, to ensure proper identification.

All photographs should be expunged five years following case closure. It should be noted that cases that were open prior to the effective date of this legislation will also require annual photographs that must be maintained in the record. The initial photograph should be taken within 90 days from the issuance date of this bulletin (March 24, 2008).

- Conduct interviews with those persons who are known to have or may reasonably be expected to have, information relating to the incident of suspected child abuse.

The trainer notes that the interviews should include, but not be limited to, all of the following: (1) the child, if appropriate; (2) the child's parents or other person responsible for the child's welfare; (3) the alleged perpetrator of the suspected child abuse; (4) the reporter of the suspected child abuse, if known; (5) eyewitnesses to the suspected child abuse; (6) neighbors and relatives who may have knowledge of the abuse; (7) day care provider or school personnel, or both, if appropriate. The results of the interviews must be recorded in writing.

- Orally notify Linda of the existence of the report and her rights before interviewing her.
- Provide written notification to Linda within 72 hours of the oral notification.

The trainer notes that the notice may be reasonably delayed if notification is likely to threaten the safety of the victim, a nonperpetrator subject or the investigating county agency worker. It may also be delayed if it would cause the perpetrator to abscond or to significantly interfere with the conduct of a criminal investigation. However, the written notice must be provided to all subjects prior to the county agency's reaching a finding on the validity of the report.

- Visit Tara's home at least once.

### **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 3 (continued):**

The trainer notes that the home visits must occur as often as necessary to complete the investigation and to assure the safety of the child.

### **Step 4:**

The trainer notes that the investigation of reports of suspected child abuse is truly a multi-faceted task and thanks participants for their efforts.

The trainer directs participants to section 6368 (a.1) of the CPSL regarding investigations of reports concerning child-care service personnel. The CPSL notes that when notified that an investigation of suspected abuse perpetrated by child-care service

personnel, including an employee, service provider or administrator, the child-care service must immediately implement a plan of supervision or alternative arrangement subject to the county agency's approval for the individual under investigation.

The plan must ensure the safety of the child and other children in the care of the child-care service. The plan must be kept on file with the county agency until the investigation is completed. As per Chapter 3490 regulations, the county agency must also send a copy of the approved plan to the appropriate regional licensing director or designee.

The trainer directs participants to section 6303 of the CPSL to determine the definition of a child-care service. The term includes child day-care services, group and family day-care homes, foster homes, adoptive parents, boarding homes for children, juvenile detention center services or programs for delinquent or dependent children; mental health, mental retardation, early intervention and drug and alcohol services for children; and other child-care services which are provided by or subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with these departments or a county social services agency. The term does not include such services or programs which may be offered by public and private schools, intermediate units or area vocational-technical schools.

The trainer states that Section 3490.56 of the Protective Services Regulations notes that within 24 hours of receipt of a report of suspected child abuse perpetrated by a person who operates, is employed by or acts as a volunteer for a child care service, the county agency must verbally notify the following of the content of the report: (1) the person in charge of the facility or child care service where the alleged child abuse occurred; (2) the person in charge of the agency which placed the child; (3) the person

### **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 4 (continued):**

in charge of the county agency with custody or supervision of the child; and (4) the regional office of the Department of Public Welfare that is responsible to license, register or approve the child care service or facility. The county agency must also inform these persons of the results of the investigation.

The trainer states that if the report is founded or indicated, the county agency must request a written statement from the person in charge of the child care service or facility regarding the steps planned and taken to ensure the future safety of the subject child and other children in the care of the child care service or facility. This request is made within five calendar days of when the status determination was made. The person in charge of the childcare service or facility must submit a written response to the county agency within 10 calendar days of the mailing date of the county agency's letter. If the plan is unacceptable to the county agency, the county agency must take appropriate action to ensure the safety of the children in the child care service or facility.

The trainer adds that if the facility or child care service is operated, registered, licensed or approved by the Department of Public Welfare, the county agency must send a copy of the plan and a copy of the Child Protective Service Investigation Report to the regional director or the director's designee in the region where the founded or indicated child abuse occurred.

### **Step 5:**

The trainer distributes a copy of the Child Protective Service Investigation Report, form CY-48 to each participant. Using **Overhead #8 (Status Determinations)**, the trainer states that at the completion of the investigation of suspected child abuse, the county must determine if the report is founded, indicated or unfounded.

The trainer directs participants to find the definition of founded report in section 6303 of the CPSL. The trainer states that a founded report is one in which there has been any judicial adjudication based on a finding that a child who is a subject of the report has been abused, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of child abuse.

The trainer directs participants to find the definition of indicated report in section 6303 of the CPSL. The trainer states that an indicated report means that an investigation by the county agency or the Department of Public Welfare determines that substantial evidence of the alleged abuse exists based on available medical evidence, the child

### **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 5 (continued):**

protective service investigation, or an admission of the acts of abuse by the perpetrator.

The trainer directs participants to find the definition of substantial evidence in section 6303 of the CPSL. The trainer states that substantial evidence is evidence which outweighs inconsistent evidence and which a reasonable person would accept as adequate to support a conclusion.

The trainer directs participants to find the definition of an unfounded report in section 6303 of the CPSL. The trainer states that an unfounded report is any report that is not a founded report or an indicated report.

The trainer states that Chapter 3490 regulations direct the agency to send form CY-48 to ChildLine within 30 calendar days of the receipt of the report of suspected child abuse. If, due to the particular circumstances of the case, the county agency cannot complete the investigation within 30 days, the particular reasons for the delay must be

described in the CPS record. In all cases, a status determination must be made and a decision on whether to accept a family for service must be rendered within 60 of the receipt of the report.

The trainer adds that when a status determination cannot be made and the county agency has petitioned the juvenile court, an arrest has been made or there is criminal court action pending, the county agency must send a copy of the CY-48 to ChildLine with a status of pending juvenile court action, pending criminal court action or indicated, when there is substantial evidence that the child was abused. The county agency must submit a new CY-48 to ChildLine when a final status determination is made.

If the county agency does not file its CY-48 form with ChildLine within 60 calendar days of the receipt of the report, the report is unfounded.

### **Step 6:**

The trainer notes that section 3490.59 of the Protective Services Regulations state that if the report of suspected child abuse is determined founded, indicated or unfounded and the family has been accepted for service, the county agency must develop and implement a family service plan. If the report is unfounded and not accepted for services but the family is in need of services, other than those provided by the county agency, the county agency must advise the subjects of the services available.



## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section III: County Agency Responsibilities: Child Protective Services (continued)**

#### **Step 6, (continued):**

The trainer refers participants to Table Copies of Bulletin 3490-08-01 regarding Developmental Evaluation and Early Intervention Referral Policy.

Remind participants that they have copies of this bulletin on the Resource CD that was provided in Part 1 of the Legal Series.

On March 21, 2008, the Office of Children, Youth and Families issued a bulletin regarding the requirement under CAPTA (The Child Abuse Prevention and Treatment Act) to develop a procedure to refer, for early intervention services, children under age three who have been subjects of substantiated reports of child abuse/neglect that occurred in Pennsylvania. The Department has purchased the Ages and Stages Questionnaire (ASQ) and the Ages and Stages-Social and Emotional Questionnaire (ASQ-SE) for public and private children and youth social service agencies for use in screening this population for potential referral for early intervention services. The tool targets development in areas of communication, gross and fine motor skills, problem-solving and personal-social. Full implementation is to begin September 1, 2008. The initial screening is to take place within 30 days of the acceptance of the case for services.

Although not currently required, DPW strongly recommends that this policy also be applied to any child, under age 5, who becomes an open CPS, GPS or out-of-home placement case with the county children and youth agency.

Who must complete the ASQ and ASQ-SE questionnaires?

- The county children and youth worker, or
- A private agency worker at the request of the county children and youth agency, or
- The parent or caretaker with on-site guidance by the trained public or private agency worker.

If a provider conducts a screening, they must use the Ages and Stages tools. The questionnaires will be scored by a worker who has completed the training on use of the ASQ and ASQ-SE scoring tools. Agencies must be sure to obtain copies of the screens, evaluations and results to maintain in the record. While the questionnaire is designed with parent completion in mind, the professional working with the family will

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section III: County Agency Responsibilities: Child Protective Services (continued)**

#### **Step 6 (continued):**

need to assess the most efficient and expeditious use of time, keeping timely referrals for possible needed services as a priority.

If the results of the screening indicate that the child has a qualifying score, meaning a score that falls within the shaded area on the scoring grid, the county children and youth agency worker will, for IN-HOME cases:

- Cause a referral to be made for early intervention services for the child.
- Ensure that any recommended services are made available and accessible to the child and the child's family.
- Document that the child's parent or caretaker was provided with both verbal and written recommendations for an early intervention referral and its potential benefits to the child, with both verbal and written statements of the agency's availability to refer to and facilitate services and, also, with a list of accessible agencies and phone number if the parent or caretaker prefers self-referral.
  1. If self-referral is chosen, the parent or caretaker will be instructed to notify the caseworker of the referral appointment made to their chosen service provider within a specified period of time, not to exceed two weeks of the documentation date. If there is no notification and/or no confirmed appointment, and the child is under age three and a victim of substantiated abuse, the caseworker will make the referral and facilitate the evaluation process.
- Documentation of the provision of recommended services should appear in the child's record, as well as a copy of the Individualized Family Service Plan.

If the results of the screening indicate that the child has a qualifying score, meaning a score that falls within the shaded area on the scoring grid, the county children and youth agency worker will, for cases when the child is in the care and custody of the county children and youth agency:

- The county worker will ensure that a referral is made and, for those children under age three who are victims of substantiated abuse reports, the worker will ensure that the recommended services are delivered and received.

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section III: County Agency Responsibilities: Child Protective Services (continued)**

#### **Step 6 (continued):**

- Documentation of the provision of recommended services should appear in the child's record, as well as a copy of the Individualized Family Service Plan.

When the initial ASQ or ASQ-SE screening by a worker, or by a parent/caretaker, does not result in a score that would mandate an early intervention referral, it is required that follow-up periodic screenings, as the frequencies prescribed below, be done on children, age 0-3, who have been the subjects of a substantiated report of child abuse/neglect, until they turn age 5, provided they remain an open case with the agency until that time. DPW strongly recommends that such follow-up periodic screenings also be done on all other children who become open cases with children and youth, until they turn age 5. If any required or recommended follow-up screening shows a qualifying score, a referral must be made for early intervention services.

The screening questionnaire intervals available for the ASQ are as follows:

- Ages 4-24 months, every two months, (4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24)
- Ages 24-36 months, every three months, (24, 27, 30, 33, 36)
- Ages 36-60 months, every six months, (36, 42, 48, 60)

The intervals for ASQ-SE:

- Ages 6-60 months, every six months, (6, 12, 18, 24, 30, 36, 42, 48, 54, 60)

For those children under age 3, who were victims of substantiated abuse and whose initial screening score did not mandate a referral for early intervention services, DPW is requiring follow-up screening at the frequencies described below, using the most age-appropriate ASQ and ASQ-SE questionnaires from the interval schedule listed immediately above:

- Ages 4-24 months: ASQ 3 times a year/ASQ-SE 1 time a year, required
- Ages 24-36 months: ASQ 2 times a year/ ASQ-SE 1 time a year, required
- Ages 36-60 months: ASQ and ASQ-SE both, 1 time each year, recommended

While DPW is not requiring that this screening and referral policy be applied retroactively to children currently open with the agency, it is suggested that screening and appropriate referrals of children under age 5, be completed at the time of the

### **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 6 (continued):**

child's or family's service plan review.

The trainer directs participants' attention to section 6370 of the CPSL. The trainer notes that the agency must provide or contract with agencies for services for the protection of the child at home and those necessary when a child is placed in protective custody. Before offering these services to a family, the agency must explain that it has no legal authority to compel the family to receive the services but may inform them of the agency's obligations and authority to initiate court proceedings. In those cases in which an appropriate offer of service is refused and the county agency determines that the best interests of the child require court action, the county agency must initiate the appropriate court proceeding. Chapter 3490 regulations additionally require that the county agency petition the court if placement or continued placement of the child is necessary or if a subject of a report of suspected abuse refuses to cooperate with the agency in an investigation, and the county agency is unable to determine whether the child is at risk.

### **Step 7:**

The trainer ensures that participants are seated in small groups of about four to five participants each. The trainer distributes one additional copy of the CY-48 form to each small group and gives each participant of copy of **Handout #6 (Linda Wilson and Tara: The Investigation)**.

The trainer asks participants to review the results of the home visit to Linda Wilson's home. Participants should then work as a group to complete the CY-48 form. The group should concentrate on Section IV. Case Status and Section III. CPS Services. In Section III, participants should determine which services are planned for the family. Participants are asked to decide the other facts of the case that may be missing and base their decisions on the CPSL and Chapter 3490 regulations.

### **Step 8:**

For the reference of the trainer, the details of the case are:

The intake caseworker went to the Wilson home to conduct an assessment to determine whether Tara had been abused, and to calculate the risk of leaving Tara in Linda's care.

The caseworker talked to Linda about Tara's bruises, and why it was believed they were inflicted rather than accidental. The caseworker also provided considerable

### **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 8 (continued):**

support and encouragement to talk. Linda began to cry and said the past three months had been, "the worst of my life." She had become very ill, and because she was out of work so often, she was fired from her minimum wage job. She went on public assistance and entered a job-training program. She said she hated being on assistance, that she was accustomed to taking care of herself. Her illness had been

diagnosed as a serious, but treatable blood disorder. The medication made her agitated, and she feared, depressed.

She expressed her extreme level of frustration in toilet training her daughter. She said she had been under a lot of pressure to toilet train Tara, since she had to get another job, and Tara could only stay at the day care home until she was finished with job training. The other day care centers she had contacted required that children be toilet trained. She was afraid if Tara wasn't trained, she would not be able to accept a job placement. She said that would be the worst thing that could happen to her.

Linda said that she always spanked Tara for misbehavior, but never as hard as she'd spanked her during the past month. She said that the day Tara was burned, she had put Tara on the potty for an hour unsuccessfully. The minute Tara got off the potty, she hid in the corner of the living room and wet and soiled her pants. Linda said she grabbed a screaming, fighting Tara, and put her into the bathtub. Tara struggled, but Linda made her stay there. She said she didn't check the temperature of the water. It was only after Tara had gotten out that she'd realized Tara had been burned.

When the caseworker asked why she hadn't gotten medical attention for Tara, Linda replied she didn't think the burn was that bad; she had been treating it with zinc ointment and it looked as if it was getting better. She then admitted she had been afraid the authorities would take Tara away from her if they knew about the burn.

The caseworker explored Linda's relationship with Tara. Linda said Tara was, "too much like me for her own good." Linda said as a child, she had been willful and demanding, and had received repeated "whippings" from her own mother for her noncompliant behavior. She believed that Tara was being purposefully belligerent, and

she said Tara's behavior hurt her, because she tried so hard to be a good mother and she really loved Tara. She claimed, "I've never felt more angry or more frustrated in my life."

The caseworker explained that sometimes parents do hurt their children when they're very angry and under a lot of stress, and it was the caseworker's job to help her so it

### **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 8 (continued):**

wouldn't happen again. Linda responded, "Well, I'm not sure you can change anything, but I'll do anything; just don't take Tara from me." The caseworker then asked Linda to bring Tara into the living room. Linda went into the bedroom and returned with Tara in her arms. Tara, who had just awakened from a nap, had her head on her mother's shoulder and was sucking her thumb. She looked suspiciously at the caseworker. Linda sat back down and then slid off her mother's lap and wandered over to the toy box, pulled out a doll, and brought it to her mother; laying it in Linda's lap.

### **Step 9:**

When the participants have completed the task, the trainer reconvenes the large group and rotates among the small groups to determine the status determination made and services planned by the group. Since the medical report was unavailable, there is no one correct answer to this activity. Participants needed to make a status determination without the available medical evidence to guide them. The important point here is that participants follow a logical progression based on their application of legal and best practice standards. Their different interpretations of the case may result in lively and thoughtful discussion. However, regardless of the status determination chosen, services must be offered to this family since, without intervention, there is a likelihood that Tara could be harmed again by her mother.

### **Step 10:**

The trainer notes that county agency supervisors have special requirements in cases of CPS. At least every 10 days, the supervisor must review each report of suspected abuse which is under investigation to ensure that the level of services is consistent with the level of risk to the child, to determine the safety of the child, and to monitor the progress made toward reaching a status determination.

When a case has been accepted for service and a family service plan has been developed, the supervisor must, within 10 calendar days of completion of the plan, review the plan to assure that the level of activity, in person contacts with the child, oversight, supervision and services for the child and family contained in the plan, are consistent with the level of risk determined by the county agency for the case.

The trainer notes that Chapter 3490 regulations require that the agency monitor the safety of the child and assure that contacts are made with the child, parents, and service providers when a cases has been accepted for service. Face-to-face contacts with the child must occur as often as necessary for the protection of the child but no

## **Section III: County Agency Responsibilities: Child Protective Services**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

**(continued)**

### **Step 10, continued:**

less than:

- Once a week until the case is no longer designated as high risk by the county agency, if the child remains in or returns to the home in which the abuse occurred and the agency has determined a high level of risk exists for the case.
- Once a month for six months or case closure when the child is either: (1) placed out of the home or setting in which the abuse occurred or (2) not at a high risk of abuse or neglect.

The trainer adds that family service plans must contain a provision that requires the parents to advise the county agency within 24 hours when a child or family moves from one residence to another.

### **Step 11:**

The trainer advises those who will be providing CPS investigation and ongoing services to further study the county agency responsibilities in the CPSL and the Chapter 3490 regulations.

<b>Trainer Note:</b> This may be a suitable time for lunch.
---

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section IV: County Agency Responsibilities: General Protective Services**

### **Estimated Length of Time:**

1 hours, 15 minutes

### **Rationale:**

Child protective services investigations in Pennsylvania account for approximately 30 percent of the total reports investigated or assessed by the child welfare system. The remaining 70 percent includes referrals of general protective services and information and referral. Child Welfare Professionals need the knowledge, understanding, and awareness of the services to this large proportion of families so that they can help parents to recognize and remedy conditions harmful to their children and fulfill their parental duties in a manner that does not put their children at risk. A coordinated response can help protect the safety, rights and welfare of children so that they have an opportunity for healthy growth and development, which they so deserve.

### **Learning Objectives:**

Participants will be able to:

- ✓ Express the principles and goals of general protective services.
- ✓ Describe the responsibilities of the county agency for general protective services.
- ✓ Determine the types of services that must be available for the prevention and treatment of child abuse and neglect.
- ✓ Outline the procedures for appeals with respect to general protective services.

### **Methods of Presentation:**

Lecture, small group activity, and large group discussion

### **Materials Needed:**

- ✓ Overhead projector and screen
- ✓ **Overhead #5 (Protective Services)**
- ✓ **Overhead #9 (General Protective Services)**
- ✓ **Overhead #10 (Program Objectives of GPS)**
- ✓ **Overhead #11 (Conditions of GPS)**
- ✓ **Handout #7 (GPS Jeopardy)**

### **Resources Used:**

Commonwealth of Pennsylvania. (2002). *Title 55, PA Code, Chapter 3490. Protective Services.*

Commonwealth of Pennsylvania. (2003). *Child Protective Services Law, Title 23, Pa. C.S., Chapter 63.*



## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section IV: County Agency Responsibilities: General Protective Services (continued)**

#### **Resources Used (continued):**

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2000). *An Overview of the Child Protective Services Law*. Shippensburg University: Shippensburg, PA.

Pennsylvania Child Welfare Training Program. (2006). *Safety, Permanence, and Well-being: Legal Mandates in Pennsylvania, Overview*. University of Pittsburgh: Mechanicsburg, PA.

#### **PA Standards:**

IA: Assessment: Assess Inquiries

IC: Assessment: Make Investigative Decisions

IH: Assessment: Consider Culture

#### **CFSR Issues:**

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

#### **Interactional Skills:**

Tuning in to the Phase of the Helping Process You're in

Clarifying Purpose, Function, and Role

Identifying Next Steps

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section IV: County Agency Responsibilities: General Protective Services**

### **Step 1:**

Using **Overhead #5 (Protective Services)**, the trainer reminds participants that earlier in the training, the group reviewed protective services as those services and activities provided for children who are abused or are alleged to be in need of protection under the CPSL. The two components to protective services are child protective services and general protective services. Child protective services, which have been discussed, are services and activities for child abuse cases. General protective services, which will now be discussed, are services and activities provided for non-abuse cases requiring protective services.

The trainer reminds participants that official sources in Pennsylvania estimate that child protective services investigations in Pennsylvania account for approximately 30 percent of the total reports investigated or assessed by the child welfare system. The remaining 70 percent includes referrals of general protective services and information and referral.

### **Step 2:**

The trainer lays a framework for the discussion of general protective services by noting that the amendments to the CPSL, by Act 151 of 1994, for the first time, established a program of general protective services in Pennsylvania law. Effective general protective services are critical in preventing cases from escalating to serious child abuse, dependency or delinquency. Success with these services results in less intrusive and less costly services.

### **Step 3:**

Using **Overhead #9 (General Protective Services)**, the trainer explains that Chapter 3490 regulations define general protective services (GPS) as services to prevent the potential for harm to a child. Potential for harm is defined as likely, if permitted to continue, to have a detrimental effect on the child's health, development or functioning.

### **Step 4:**

The trainer ensures that participants are seated in small groups of about four to five persons each. The trainer distributes **Handout #7 (GPS Jeopardy)** to participants and instructs participants to work with their small group to complete the activity. The activity is based on the Jeopardy game show. Fourteen statements pertaining to general protective services are posed. Participants respond to each statement in the form of a question and cite the section of the CPSL that supports each response.

## 205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law

### Section IV: County Agency Responsibilities: General Protective Services (continued)

#### Step 5:

When participants have completed the task, the trainer reconvenes the large group and circulates among the small groups to elicit responses to each of the statements. The trainer ensures that the following responses are discussed:

1. Services and activities provided by each county agency for non-abuse cases requiring protective services.  
*Question: What are general protective services?*  
*CPSL Section: 6303*
2. Protect the rights and welfare of children so that they have an opportunity for healthy growth and development.  
*Question: What is the primary purpose of general protective services?*  
*CPSL Section: 6374 (a)*
3. They are assisted in recognizing and remedying conditions harmful to their children and in fulfilling their duties more adequately.  
*Question: Who are parents?*  
*CPSL Section: 6374 (b)*
4. The program objectives of general protective services.  
Using **Overhead #10 (Program Objectives of GPS)**

**Question:** What are:

- Keep children in their own homes, whenever possible.
- Prevent abuse, neglect and exploitation of children.
- Overcome problems that result in dependency.
- Provide temporary, substitute placement in the home of a relative, other individual who has a significant relationship with the child or the child's family, a foster family home or residential child-care facility for children in need of this care.
- Reunite children safely with their families, whenever possible, when children are in temporary, substitute placement.

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section IV: County Agency Responsibilities: General Protective Services (continued)**

#### **Step 5, continued:**

- Provide a permanent, legally assured family for children in temporary, substitute care who cannot be returned to their own home.
  - Provide services and care ordered by the court for children who have been adjudicated dependent.  
*CPSL Section: 6373 (a)*
5. Attempts to prevent or eliminate the need for removal of a child from his home and to make it possible for the child to return home.  
*Question: What are reasonable efforts?*  
*CPSL Section: 6373 (b)*
  6. The county agency aids children and families in obtaining these.  
*Question: What are benefits and services for which they may qualify under Federal, State, and local programs.*  
*CPSL Section: 6373 (c)*
  7. This occurs when a report or referral is made to the agency or when a parent or person responsible for the child's welfare requests the agency's assistance.  
*Question: What is intake?*  
*CPSL Section: 6375 (b)*
  8. The deadline for completion of an assessment and a decision on whether to accept the family for service.  
*Question: What is within 60 days of the receipt of the report?*  
*CPSL Section: 6375 (c) (1)*
  9. Decide on the basis of the needs and problems of an individual to admit or receive the individual as a client of the agency or as required by a court order.  
*Question: What is accept for service?*  
*CPSL Section: 6303*
  10. A systematic process that assesses a child's need for protection and which is required in cases of general protective services.  
*Question: What is risk assessment?*  
*CPSL Sections: 6303 and 6375 (c) (2)*

# 205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law

## Section IV: County Agency Responsibilities: General Protective Services (continued)

### Step 5 (continued):

11. The sole civil agency responsible for receiving and assessing all reports of children in need of protective services.

*Question: What is the county agency?*

*CPSL Section: 6375 (d)*

12. This action may be necessary to protect a child from abuse or further neglect.

*Question: What is taking protective custody?*

*CPSL Section: 6375 (i)*

13. These are initiated if an offer of general protective services is refused.

*Question: What are court proceedings?*

*CPSL Section: 6375 (j)*

14. The deadline for receipt of an appeal to the county agency's decision to accept a family for services.

*Question: What is 45 days from the date when the notice was mailed?*

*CPSL Section: 6376 (b)*

### Step 6:

The trainer lauds participants for their efforts and notes that they now know the foundation of general protective services.

### Step 7:

Using **Overhead #11 (Conditions of GPS)**, the trainer notes that Protective Services Regulations at 3490.223 define general protective services further as services to prevent the potential for harm to a child who meets one of the following conditions:

- (i) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.
- (ii) Has been placed for care or adoption in violation of law.
- (iii) Has been abandoned by his parents, guardian or other custodian.

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section IV: County Agency Responsibilities: General Protective Services (continued)**

#### **Step 7 (continued):**

- (iv) Is without a parent, guardian, or legal custodian.
- (v) Is habitually and without justification truant from school while subject to compulsory school attendance.
- (vi) Has committed a specific act of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision.
- (vii) Is under 10 years of age and has committed a delinquent act.
- (viii) Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in subparagraph (vi).
- (ix) Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi).

#### **Step 8:**

The trainer asks participants where they have seen similar language as in the definition of general protective services. The response is that the definition is almost the same as the definition of dependency in the Juvenile Act. The second sentence of the first item and the tenth item in the definition of dependency are not in the definition of GPS. Otherwise, it is the same.

The trainer asks participants what, then, is the difference between GPS and dependency if the children essentially meet both definitions. The response is that the safety assessment and the risk assessment might indicate that a child must be protected by placement outside of the home. If the child can be maintained safely in their own home, dependency would not be indicated (unless court-ordered in-home services were indicated.)

#### **Step 9:**

The trainer notes that, as with CPS and as noted in section 6375 (h) of the CPSL, the county agency must be available 24-hours-per-day, seven-days-per-week for emergency coverage in cases of GPS. The trainer states that, also as with CPS, the county agency must see the child immediately if emergency custody has been taken, is

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section IV: County Agency Responsibilities: General Protective Services (continued)**

### **Step 9 (continued):**

needed, or if it cannot be determined from the report whether or not emergency protective custody is needed. Otherwise, the county agency must prioritize the response time for an assessment to assure that children who are most at risk receive an assessment first. The assessment, as has already been noted, must be completed within 60 calendar days to determine whether or not the child and family should be accepted for GPS, be referred to another agency or close the case.

The trainer notes that during the assessment period the county agency must see the child and visit the child's home. The home visits must occur as often as necessary to complete the assessment and ensure the safety of the child. There must be at least one home visit. Unannounced home visits are allowed but not required. As per section 6375 (m) of the CPSL, for those children assessed as being at high risk for abuse or neglect who are remaining in or returning to the home in which the abuse or neglect occurred, the agency must ensure that those children are seen at least once a week until they are no longer assessed at being at high risk for abuse or neglect. Throughout the assessment process, the agency must provide or arrange for appropriate services to ensure the safety of the child during this assessment period.

The trainer notes that during the assessment, the county agency must interview the child, if age appropriate, and the parents or the primary person who is responsible for the care of the child. The county agency must also conduct interviews with those persons who are known to have or may reasonably be expected to have information that would be helpful to the agency in determining whether or not the child is in need of GPS.

### **Step 10:**

The trainer states that section 6375 (i) of the CPSL states that if the county agency determines that protective services are in the best interest of a child and if an offer of those services is refused or if any other reason exists to warrant court action, the county agency must initiate the appropriate court proceedings. The county agency has the responsibility for petitioning the court when necessary for the adjudication of dependency of a child or taking a child into protective custody to protect the child from further abuse and neglect in accordance with the requirements of the CPSL and the Juvenile Act.

### **Step 11:**

The trainer states that Protective Services Regulations at 3490.235 require that the county agency must provide, arrange or otherwise make available the same services for children in need of general protective services as for abused children. This includes the

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section IV: County Agency Responsibilities: General Protective Services (continued)**

#### **Step 11 (continued):**

development of a family service plan for those cases accepted for GPS.

The trainer directs participants to review section 6375 (f) of the CPSL regarding the types of services that must be available. The services include: multidisciplinary teams, instruction and education for parenthood and parenting skills, protective and preventive social counseling, emergency caretaker services, emergency shelter care, emergency medical services, part-day services, out-of-home placement services, and therapeutic activities for the child and family directed at alleviating conditions that present a risk to the safety and well-being of a child.

The trainer adds that the following section, 6375 (g), notes that the county agency must frequently monitor the provision of the services, evaluate the effectiveness of the services, conduct in-home visits, and make a periodic assessment of the risk of harm to a child, which shall include maintaining an annually updated photograph of the child and verification of the identification of the child. §6375 (n) states that whenever a county agency transfers to another county agency a file relating to a child who receives or is in need of protective services under this chapter, the file shall include any photographic identification and an annual photograph taken of the child.

#### **Step 12:**

The trainer states that families are notified orally at the initial interview at the start of a GPS assessment of the receipt of the report alleging the need for GPS and that the county agency will do an assessment to determine the need for GPS. When the assessment is complete within 60 days, the county agency provides written notice to the parents and the primary person who is responsible for the care of the child of the agency's decision to accept or not accept the family for GPS. As per section 6376 (a) of the CPSL, the written notice must be provided within seven calendar days of making the decision, must include an explanation of the agency's decision and their right to appeal the decision.

The trainer directs participants to section 6376 (b) of the CPSL which notes that appeals must be received by the county agency within 45 days of the date when the notice was mailed and must be made on the grounds that the child is not at risk of abuse or neglect. The trainer notes that section 6376 (c) states that the county agency reviews a request for an appeal and issues a written decision to the person who made the request within 45 calendar days of the receipt of the appeal. If the agency denies the request, the person who made the request must be advised in writing of the right to



## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section IV: County Agency Responsibilities: General Protective Services (continued)**

#### **Step 12 (continued):**

a hearing before the Department of Public Welfare's Bureau of Hearing and Appeals. The request for a hearing must be made within 45 calendar days of the date of the letter from the agency denying the request. A hearing would then be scheduled by the Bureau of Hearings and Appeals.

#### **Step 13:**

The trainer ends the segment of training by emphasizing the importance of effective general protective services and its duty to protect the rights and welfare of children so that they have an opportunity for healthy growth and development, all within the context of safety, permanence, and child and family well-being.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section V: Powers and Duties of the Department of Public Welfare**

### **Estimated Length of Time:**

1 hour, 15 minutes

### **Rationale:**

Subchapter C of The Child Protective Services Law and Chapter 3490 regulations detail the powers and duties of a key partner in protective services, the Department of Public Welfare. Among those duties is the operation of the statewide central clearinghouse called ChildLine. In this segment of training, participants will explore the functions and procedures of ChildLine so that Child Welfare Professionals can use it effectively in cases of child abuse and afford individuals their rights regarding the amendment or expunction of child abuse information.

Subchapter C and the Chapter 3490 regulations also detail critical information regarding the confidentiality of child abuse information. Child Welfare Professionals must be able to apply this information to effectively cooperate with other entities in the community while also maintaining the rights of those named in abuse reports to their privacy.

### **Learning Objectives:**

Participants will be able to:

- ✓ List the functions and procedures of the statewide central clearinghouse.
- ✓ Explain how to use of the statewide central clearinghouse in cases of child abuse.
- ✓ Determine who can receive information in confidential reports of child abuse.
- ✓ Outline how the Department of Public Welfare handles requests for the amendment or expunction of child abuse information.
- ✓ Apply the Child Protective Services Law to various case scenarios.
- ✓ Explain the goal of requiring clearances.

### **Methods of Presentation:**

Lecture, small group activity, and large group discussion

### **Materials Needed:**

- ✓ Overhead projector and screen
- ✓ **Overhead #12 (ChildLine Files)**
- ✓ **Overhead #13 (Reports to Law Enforcement Officials)**
- ✓ **Handout #8 (Confidential Casework)**
- ✓ **Handout #9 (Crimes and Offenses)**
- ✓ **Handout #10 (Warren County Social Services v. State Civil Service Commission)**
- ✓ One or two copies per participant table of the Report of Suspected Child Abuse to Law Enforcement Official, CY 104

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section V: Powers and Duties of the Department of Public Welfare (continued)**

### **Materials Needed (continued):**

- ✓ One or two copies per participant table of the Pennsylvania Child Abuse History Clearance, CY 11
- ✓ One or two copies per participant table of the Request for Criminal Record, SP4-164

### **Resources Used:**

Commonwealth of Pennsylvania. (2002). *Title 55, PA Code, Chapter 3490. Protective Services.*

Commonwealth of Pennsylvania. (2003). *Child Protective Services Law, Title 23, Pa. C.S., Chapter 63.*

Pennsylvania Department of Public Welfare. (2006). *2005 Annual Child Abuse Report.*

Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2000). *An Overview of the Child Protective Services Law.* Shippensburg University: Shippensburg, PA.

Pennsylvania Child Welfare Training Program. (2006). *Safety, Permanence, and Well-being: Legal Mandates in Pennsylvania, Overview.* University of Pittsburgh: Mechanicsburg, PA.

*Warren County Human Services v. State Civil Service Commission, 376 C.D. 2003 (March 8, 2004).*

### **PA Standards:**

IA: Assessment: Assess Inquiries  
IC: Assessment: Make Investigative Decisions  
IH: Assessment: Consider Culture

### **CFSR Issues:**

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.  
Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

### **Interactional Skills:**

None

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section V: Powers and Duties of the Department of Public Welfare**

### **A. Statewide Central Clearinghouse**

#### **Step 1:**

The trainer notes that discussion will now begin on Subchapter C of the CPSL, which details the powers, and duties of the Department of Public Welfare.

The trainer directs participants to Section 6332 of the CPSL, which establishes the Statewide toll-free telephone number that all persons may use to report cases of suspected child abuse. ChildLine, as it is called, is available at all times to receive these reports.

The trainer notes that the county agency must use ChildLine to determine the existence of prior founded or indicated reports of child abuse or reports under investigation. A county agency can only request and receive information from ChildLine either on its own behalf because it has received a report of suspected child abuse or on behalf of a physician examining or treating a child or on behalf of the director or a person specifically designated in writing by the director of any hospital or other medical institution where a child is being treated, where the physician or the director or a person specifically designated in writing by the director suspects the child of being an abused child.

The trainer adds that ChildLine immediately transmits reports of suspected child abuse it receives to the county agency of the county where the suspected abuse occurred. ChildLine tells the agency the substance of the report. If ChildLine has information indicating a prior report or a current investigation concerning a subject of a report, it also gives that information to the county agency at that time. If the child resides in a different county, ChildLine will notify that county also. If the complaint received does not suggest suspected child abuse but does suggest a need for social services or other services or investigation, ChildLine transmits the information to the appropriate county agency or other public agency.

The trainer notes that at times county agencies are at odds about which county should have a numbered report of suspected abuse assigned to it. In these situations, the county agency should consult the Chapter 3490 regulations for procedures on resolving the disagreements.

#### **Step 2:**

Using **Overhead #12 (ChildLine files)**, the trainer explains that ChildLine maintains four different files:

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section V: Powers and Duties of the Department of Public Welfare (continued)**

### **Step 2 (continued):**

- A pending complaint file which contains reports of child abuse that are either under investigation or pending juvenile or criminal court action.
- A Statewide Central Register which contains
  - copies of founded and indicated reports of child abuse, and
  - a subfile of the names of perpetrators of indicated and founded reports of child abuse if the individual's Social Security Number or date of birth is known to the Department of Public Welfare. The subfile is retained indefinitely.
- A statistical file which contains copies of reports of suspected, indicated, and founded reports of child abuse after information which could directly or indirectly identify a subject of a report has been expunged.
- A file of unfounded reports awaiting expunction. These reports are not released except to a subject of a report upon written request, employees of the Department of Public Welfare, and employees of the Office of Attorney General.

### **Step 3:**

The trainer comments that the term subject of the report has been used. The trainer directs participants to find the definition in the CPSL. The definition of a subject of the report is any child, parent, guardian, or other person responsible for the welfare of a child or any alleged or actual perpetrator or school employee named in a report made to the Department of Public Welfare or a county agency under the CPSL.

<b>Trainer Note:</b> This may be a suitable time for a break.
---

## **B. Disposition of Reports**

### **Step 1:**

The trainer directs participants to section 6337 of the CPSL. The trainer notes that if a report of suspected child abuse is determined to be an unfounded report, the information is maintained for one year and is expunged from the pending complaint file within 120 days after the one year period following the date the report was received. Section 6341 (f) notes an exception to this rule. Within 60 days of the receipt of the report of suspected child abuse, the county agency investigation reveals that the report is unfounded but that the subjects needs services provided or arranged by the county agency, for example GPS, the county agency retains the records and specifically identifies that the report was an unfounded report. The unfounded report must then be expunged no later than 120 days following the expiration of one year after the

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section V: Powers and Duties of the Department of Public Welfare (continued)**

#### **Step 1, (continued):**

termination or completion of services provided or arranged by the county agency.

#### **Step 2:**

The trainer directs participants to section 6338 (b) of the CPSL. The trainer notes that except for perpetrators who are kept on file indefinitely, all information which identifies the subjects of founded and indicated child abuse reports must be expunged when the subject child reaches the age of 23.

#### **Step 3:**

The trainer directs participants to section 6341 of the CPSL and notes that there are appeal rights in instances of indicated reports. Any person named as a perpetrator and any school employee named in an indicated report may, within 45 days of being notified of the status of the report, request the secretary of the Department of Public Welfare to amend or expunge the report on the grounds that it is inaccurate or is being maintained in a manner inconsistent with the CPSL.

The trainer notes that if the secretary grants the request, the county agency and any subject of the report have 45 days in which to file an administrative appeal with the secretary. If an administrative appeal is received, the secretary, or designee, schedules a hearing. If no appeal is received, ChildLine must comply with the decision and advise the county agency to amend or expunge the information in their records.

The trainer notes that section 6341 (c) states that if the secretary refuses the request or does not act in 30 days, the perpetrator or school employee has the right to a hearing to determine whether the summary of the indicated report should be amended or expunged. The perpetrator or school employee has 45 days from the date of the letter giving notice of the decision to deny the request in which to request a hearing.

The trainer adds that any administrative appeal proceeding is automatically stayed upon notice that there is a pending criminal proceeding or a dependency or delinquency proceeding involving the same factual circumstances as the administrative appeal.

The trainer asks participants why there are not administrative appeal procedures for founded reports. The response is that since the matter was determined by the court, appeals must be made to the court following court procedures.

# 205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law

## Section V: Powers and Duties of the Department of Public Welfare (continued)

### C. Confidentiality

#### Step 1:

The trainer introduces the concept of confidentiality in cases of abuse by referring participants to section 6349 (b) of the CPSL. Reports made pursuant to the CPSL are confidential. This section details that anyone who willfully releases or permits the release of any information in the pending complaint file, Statewide central register or the county agency records to persons not permitted to receive that information commits a misdemeanor of the third degree. In order to determine who is permitted to receive the information, participants must study section 6340.

#### Step 2:

The trainer ensures that participants are seated in small groups of four to five persons each. The trainer distributes **Handout #8 (Confidential Casework)** to participants. For this activity, case scenarios regarding confidentiality are posed. Participants are asked to work with their small group to determine the response to each scenario and cite which sections of the CPSL support their responses.

#### Step 3:

When participants have completed the task, the trainer reconvenes the large group and rotates among the small groups to elicit responses to each case scenario. The trainer ensures that the following information is discussed.

1. C.A. Smith is an alleged perpetrator in a case of suspected sexual abuse. During a recent visit to his home, you were asked to give him the name of the person who called your agency to report the allegations.

*Response:* Explain to Mr. Smith that the release of the identity of the person who made the report is confidential pursuant to section 6340 (c) of the CPSL.

2. C.A. Smith is unsatisfied with your responses to him during home visits. He sends a letter with his complaints to your agency. In the letter, he demands a copy of all information.

*Response:* A copy of the Report of Suspected Child Abuse, CY 47, should be sent to Mr. Smith with the referral source deleted as per section 6340 (b) of the CPSL. The trainer points out that Mr. Smith may have the information since he is a subject of the report as per the definition of subject of the report in section

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Section V: Powers and Duties of the Department of Public Welfare (continued)**

#### **Step 3 (continued):**

6303.

3. You've contacted the appropriate law enforcement officials regarding C.A. Smith's case. The investigating officer wants to know the name of the person who called your agency to report the allegations. Mr. Smith soon learns that the police are involved. He accuses you of breaking confidentiality by releasing information about him to the police.

*Response:* The identity of the reporter should be given to the officer as per section 6340 (c) of the CPSL. The officer must treat the identity of the reporter as a confidential informant. The trainer places one or two copies of the Report of Suspected Child Abuse to Law Enforcement Official, CY 104, on each participant table. The trainer draws attention to the confidential informant section of the form.

Explain to Mr. Smith that the county agency must report certain cases of suspected child abuse to law enforcement officials as per section 6340 (a) (10) of the CPSL.

Using **Overhead #13 (Reports to Law Enforcement Officials)**, the trainer discusses section 6340 (a) (10) of the CPSL. The district attorney or his or her designee or other law enforcement official shall receive, immediately after the county agency has ensured the safety of the child, reports of abuse, either orally or in writing, from the county agency in which the initial report of suspected child abuse or initial inquiry into the report gives evidence that the abuse is:

- a certain criminal offense (as listed in section 6344 (c))
- sexual abuse or sexual exploitation
- serious bodily injury
- child abuse perpetrated by persons who are not family members, or
- serious physical injury (as detailed in the CPSL)

The trainer contrasts section 6340 (a) (10) to section 6340 (a) (9) regarding situations in which law enforcement can obtain confidential abuse information even if the report did not emanate from the county agency. Confidential information can be released to law enforcement officials of any jurisdiction as long as the information is relevant in the course of investigating cases of:

### **Section V: Powers and Duties of the Department of Public Welfare (continued)**



## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Step 3 (continued):**

- homicide or certain criminal offenses (as listed in section 6344 (c))
  - child abuse perpetrated by persons who are not family members
  
  - repeated physical injury to a child under circumstances which indicate that the child's health, safety or welfare is harmed or threatened
  - a missing child report.
4. C.A. Smith contacts the regional office of the Department of Public Welfare and your county commissioners regarding the "mishandling" of his case. You are contacted by your county's program representative who asks for details about your investigation. Your director receives a call from the county commissioners regarding your competence.

*Response:* Give the program representative the requested information as per section 6340 (a) (4) of the CPSL. The director gives the county commissioners the requested information as per section 6340 (a) (11) of the CPSL.

5. When you initially received the referral on C.A. Smith, you had the subject child, Angelina, examined by a physician. The physician wanted details on the sexual abuse allegations, but you were concerned about breaking confidentiality. You research the law so that you are certain of your response to physicians in the future.

*Response:* As per section 6340 (a) (2) of the CPSL, information in confidential abuse reports may be released to a physician examining or treating a child or the director or a person specifically designated in writing by the director of any hospital or other medical institution where a child is being treated when the physician or the director or the designee of the director suspects the child of being an abused child or a child alleged to be in need of protection under the CPSL.

6. C.A. Smith and his former girlfriend have a case before the court of common pleas regarding custody of Angelina. The court requests certain reports and files regarding the family.

*Response:* The Department of Public Welfare responds to requests from the court of common pleas involving custody of a child as per section 6340 (a) (5.1) of the CPSL.

### **Section V: Powers and Duties of the Department of Public Welfare (continued)**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Step 3 (continued):**

7. The school nurse who reported C.A. Smith to your agency phones you a month after the report to ask what you've done on the case.

*Response:* Provide the mandated reporter with the final status of the report and any services provided, arranged for or to be provided by your county agency to protect the child as per section 6340 (a) (12) of the CPSL.

The trainer compares this to section 6340 (a) (13) which states that, in cases of student abuse, the mandated reporter may only have the final status of the report.

### **Step 4:**

The trainer concludes the discussion of confidentiality by pointing out others who may receive confidential abuse information, including officials of another county's agency, a Federal agency that has a need for such information to carry out its responsibilities under law to protect children from abuse and neglect or an analogous agency in another state, multidisciplinary team members, other public or private providers, guardian ad litem, criminal court officials, and prospective adoptive parents.

The trainer adds that regulations at section 3490.91 (a) state that except for the subject of a report, persons who receive information under the Protective Services Regulation must be advised that they are subject to the confidentiality provisions of the CPSL and regulation, that they are required to ensure the confidentiality and security of the information, and that they are liable for civil and criminal penalties for releasing information to persons who are not permitted access to this information.

### **Step 5:**

The trainer directs participants' attention to section 6346 of the CPSL regarding cooperation of other agencies. The last sentence of part (a) notes that school districts must cooperate with the department and the agency by providing them upon request with the information as is consistent with law. The trainer directs participants to section 6303 of the CPSL to determine the definition of cooperation. The trainer states that cooperation with an investigation or assessment includes a school or school district which permits authorized personnel from DPW or the county agency to interview a student while the student is in attendance at school.

The trainer directs participants attention to section 6346 (b) which notes that there are penalties for the willful failure to cooperate with the department or a county agency

## **Section V: Powers and Duties of the Department of Public Welfare (continued)**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Step 5 (continued):**

when investigating a report of suspected child abuse, student abuse, or when assessing risk to a child. The person commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations.

The trainer notes that section 6346 (c) requires the cooperation and coordination of the county agency and law enforcement officials, to the fullest extent possible, in their efforts to respond to and investigate reports of suspected child abuse and student abuse. Part (d) adds that law enforcement should advise the county agency as to whether a criminal investigation has been undertaken and the results of the investigation and of any criminal prosecution in cases in which the county agency referred a case of suspected abuse to them.

### **D. Clearances**

#### **Step 1:**

The trainer states that Subchapter C of the CPSL also details clearances relating to prospective child care personnel. Background checks for employment in schools is detailed in Subchapter C.2. The trainer asks participants the purpose of requiring clearances. The response is that the purpose of requiring clearances is to protect children from abuse at school and at child care settings. In 2005, less than one percent of the 428,919 applicants requesting clearances through the Department of Public Welfare were identified as being perpetrators. However, it is unknown how many perpetrators do not apply for employment in schools and childcare settings because they know they are on file at ChildLine or have a criminal history and choose not to pursue a career in child care or in a school setting. The trainer notes that the *Annual Report on Child Abuse* lists further statistics regarding child abuse clearances.

The trainer notes that clearances are required of prospective employees of child-care services, prospective foster parents, prospective adoptive parents, prospective self-employed family day care providers, and other persons seeking to provide child-care services under contract with a child-care facility or program. This also applies to prospective employees applying to engage in occupations with a significant likelihood of regular contact with children, in the form of care, guidance, supervision or training. This would expand the scope of criminal history and child abuse clearances to apply to social service workers, hospital personnel, mental health professionals, members of the clergy, counselors, librarians and doctors. Administrative or other support personnel are not included unless their duties involve direct contact with children. The following clearances are required in accordance with § 6344 of the CPSL:

### **Section V: Powers and Duties of the Department of Public Welfare (continued)**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Step 1 (continued):**

1. A report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121 (b) (2).
2. A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded or indicated report of child abuse or a founded or indicated report for school employee.
3. A report of Federal criminal history record information. The applicant shall submit a full set of fingerprints in a manner prescribed by the department. The Commonwealth shall submit the fingerprints to the Federal Bureau of Investigation in order to obtain a report of Federal criminal history record information and serve as intermediary for the purposes of this section.

Note that the above listed requirements are effective January 1, 2008 for all parties, however item 3 is not effective until July 1, 2008 for self-employed family day-care providers and operators of child-care services.

In regards to prospective foster and adoptive homes, these requirements apply to any individual 14 years of age or older who resides in the home at least 30 days in a calendar year, with exception of requirement 3 which applies to any adult household member only. A report of Federal criminal history is not required for individuals ages 14 to 17.

If a prospective adoptive parent or foster parent or any individual over 18 years of age residing in the home has resided outside the Commonwealth of Pennsylvania at any time within the previous five-year period, the agency, person designated by the court or foster family care agency shall require that person to submit a certification obtained within the previous one-year period from the Statewide central registry or its equivalent in each state in which the person has resided within the previous five-year period as to whether the person is named as a perpetrator of child abuse. If the certification shows that the person is named as a perpetrator of child abuse within the previous five-year period, the agency, person designated by the court or foster family care agency shall forward the certification to the department for review. The agency, person designated by the court or foster family care agency shall not approve the prospective adoptive parent or foster parent if the department determines that the person is named as the

### **Section V: Powers and Duties of the Department of Public Welfare (continued)**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Step 1 (continued):**

equivalent of a perpetrator of a founded report of child abuse within the previous five-year period. This also applies to any individual over 18 years of age who begins residing in the home of an approved foster family. They are required to submit clearances within 30 days of beginning residence.

A prospective foster parent or prospective adoptive parent may not be approved if the parent or any individual 14 years of age or older who resides at least 30 days in a calendar year with the parent is named as the perpetrator of a founded report of child abuse or for a founded report for a school employee committed within the five-year period immediately preceding verification.

The trainer should reference **Handout #9 (Crimes and Offenses)** to explain that they also may not be approved if any household member over the age of 14 has been found guilty of any offenses under Title 18 or an equivalent crime under Federal law or the law of another state.

Reference **Handout #10** (Warren County Human Services v. State Civil Service Commission) to note that these same restrictions apply to prospective employees; however there is no longer a lifetime ban as a result of the Warren County Human Services v. State Civil Service Commission court ruling. As a result of this court ruling, the Department of Public Welfare issued a letter outlining how they will enforce the requirements of the CPSL on child care services

Foster parents and any individuals over 18 years of age residing in the home are required to submit clearances every 24 months following approval for review by the foster family care agency. They are also required to report, within 48 hours, any change in information required in regards to their clearances about themselves and any individuals over the age of 18 years residing in the home for review by the foster family care agency. Additionally, foster parents are required to report any other change in the foster family household composition within 30 days of the change for review by the foster family care agency.

### **E. Citizen Review Panels**

#### **Step 1**

Reference Chapter C, § 6343.1 of the CPSL in regards to the Citizen review Panels.

### **Section V: Powers and Duties of the Department of Public Welfare (continued)**

## **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

### **Step 1 (continued):**

The trainer notes that Act 146 of 2006 State Legislation requires the department to establish a minimum of three citizen review panels to examine policies and procedures of state and local child welfare agencies. The panels will examine the following:

1. Policies, procedures and practices of State and local agencies and, where appropriate, specific cases to evaluate how effectively child protection responsibilities are being discharged.
2. Other criteria the panels consider important to ensure the protection of children, including:
  - i. A review of the extent to which the State and local child protective services system is coordinated with the foster care and adoption programs, and
  - ii. programs, and
  - iii. A review of child fatalities and near fatalities

The panels will consist of volunteer members who represent the community, including members who have expertise in the prevention and treatment of child abuse and

neglect. Each panel will meet once every three months, at a minimum. The Department will issue an annual report summarizing the activities and recommendations of the panels and summarizing the department response to the recommendations.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section VI: Education and Training**

### **Estimated Length of Time:**

15 minutes

### **Rationale:**

This segment of training will discuss the requirements for the education and training of citizens, mandated reporters, and child welfare staff so that Child Welfare Professionals can continue to encourage more complete reporting of suspected child abuse and better ensure an effective child protective service to prevent abused children from suffering further injury and impairment.

### **Learning Objectives:**

Participants will be able to:

- ✓ Describe the requirements for the education and training of citizens, mandated reporters, and child welfare staff.

### **Methods of Presentation:**

Lecture and large group discussion

### **Materials Needed:**

None

### **Resources Used:**

Commonwealth of Pennsylvania. (2002). *Title 55, PA Code, Chapter 3490. Protective Services.*

Commonwealth of Pennsylvania. (2003). *Child Protective Services Law, Title 23, Pa. C.S., Chapter 63.*

### **PA Standards:**

None

### **CFSR Issues:**

None

### **Interactional Skills:**

None

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section VI: Education and Training**

### **Step 1:**

The trainer states that among the miscellaneous provisions that bring the CPSL to a close are requirements regarding education and training. The trainer adds that despite participants best efforts to know the requirements of the CPSL and Protective Services Regulation, ongoing education and training of citizens, mandated reporters, and child welfare staff is necessary so that Child Welfare Professionals can continue to encourage more complete reporting of suspected child abuse and better ensure an effective child protective service to prevent abused children from suffering further injury and impairment.

### **Step 2:**

The trainer directs participants' attention to section 6383 (a) of the CPSL. The trainer states that the CPSL requires a continuing publicity and education program for Commonwealth citizens aimed at the prevention of child abuse and neglect, including the prevention of newborn abandonment, the identification of abused and neglected children, and the provision of necessary ameliorative services to abused and neglected children and their families.

The trainer adds that ongoing training and education must also be provided for local staff, mandated reporters, and other appropriate persons in order to familiarize them with the reporting and investigative procedures for cases of suspected child abuse and the rehabilitative services that are available to children and families.

The trainer notes that in addition to local resources, the Pennsylvania Family Support Alliance (800-448-4906) offers training for mandated reporters of suspected child abuse at no cost to the county agency or other host. Among the trainings offered are: *Recognizing and Reporting Child Abuse*, *Recognizing and Reporting Child Abuse for the Religious Community*, *Responding to Disclosures of Child Abuse*, and *Recognizing and Responding to Child Neglect*. Also, the Pennsylvania Chapter of the American Academy of Pediatrics (866-823-7226) makes training available for medical professionals on-site and on-line. The training is called EPIC-SCAN, Educating Physicians In their Communities on Suspected Child Abuse and Neglect.

### **Step 3:**

The trainer notes that the CPSL also requires the establishment of a training and certification program.

The trainer notes that Chapter 3490 regulations require that counties have:

- policies for orientation of direct service workers,



# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section VI: Education and Training (continued)**

### **Step 3 (continued):**

- policies on the assignment of cases to new and reassigned direct service staff which include the criteria used to determine when a worker is prepared to assume responsibility for a full caseload,
- implementation of the supervisors' orientation, training, and resource manual.

### **Step 4:**

The trainer states that Chapter 3490 regulations require direct service workers to be certified within 18 months of their employment. Certification is granted by completion of a minimum of 120 hours of Charting the Course training and a decision by the county agency that the worker is certified. The decision must be based on an assessment of the worker's ability to apply the principles, concepts, and content of Charting the Course training, the supervisors' orientation, training, and resource manual, and other learning opportunities to on-the-job situations.

The trainer notes that a minimum of 20 hours of training annually is required. Chapter 3490 regulations state that the county agency may not allow an employee who fails to achieve or maintain certified status to perform direct service duties.

### **Step 5:**

The trainer states that supervisors who supervise direct service workers must also be certified as direct service workers. Supervisors who are not certified as direct service workers must meet the certification for direct service workers within 12 months of employment or transfer. In addition, Chapter 3490 regulations require that supervisors who supervise direct service workers must complete a supervisors' training program, which currently consists of five, two-day courses.

### **Step 6:**

The trainer draws discussion of the CPSL to a close and ensures that participant questions regarding the CPSL have been addressed or referred to other resources.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section VII: Evaluation and Closure**

### **Estimated Length of Time:**

15 minutes

### **Rationale:**

Effective training sessions provide an opportunity for participants to give feedback regarding the training content and the trainer's behavior so that the training can be improved for future sessions. Participants will benefit from recapping their key learning points as they embark upon the next step of transferring them to the work place.

### **Learning Objectives:**

Participants will be able to:

- ✓ Determine the effectiveness of the training.
- ✓ Recognize new skills learned in the training.

### **Methods of Presentation:**

Trainer facilitation, individual activity, and large group discussion

### **Materials Needed:**

- ✓ Training Program Evaluation Form
- ✓ **Handout #11 (Transfer of Learning)**
- ✓ **Handout #12 (Bibliography)**

### **Resources Used:**

None

### **PA Standards:**

None

### **CFSR Issues:**

None

### **Interactional Skills:**

None

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **Section VII: Evaluation and Closure**

### **Step 1:**

The trainer reviews the *what's in it for me* activity completed early in the training to highlight key learning points and determine if there are any remaining issues to address or refer to other parts of the legal series, other trainings, and/or other resources. The trainer may wish to retain items that pertain to part three of the legal series.

### **Step 2:**

The trainer distributes the evaluation form and asks participants to complete it. When complete, the trainer collects all evaluation forms for submission to the Training Program.

### **Step 3:**

The trainer distributes **Handout #11 (Transfer of Learning)** and has participants fill in their responses to the questions. Allow a few minutes for them to do this individually and then have them discuss in their small groups some of the ways they expect to transfer their learning from the training to their everyday work. Then ask a few volunteers to share their plan with the larger group.

### **Step 4:**

The trainer distributes **Handout #12 (Bibliography)** as a reference to participants.

### **Step 5:**

The trainer reminds participants of the next session of the legal series and tells them to bring their copy of The Juvenile Act to that training. The trainer closes the training by offering specific compliments to the group for such things as their participation, attention, cooperation, etc. and wishes them well in the application of their new learning.

# **205: Safety, Permanence, and Well-Being: Legal Mandates in Pennsylvania, The Child Protective Services Law**

## **BIBLIOGRAPHY**

- Commonwealth of Pennsylvania. (2002). *Title 55, PA Code, Chapter 3490. Protective Services.*
- Commonwealth of Pennsylvania. (2003). *Child Protective Services Law, Title 23, Pa. C.S., Chapter 63.*
- Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2000). *An Overview of the Child Protective Services Law.* Shippensburg University: Shippensburg, PA.
- Pennsylvania Child Welfare Competency-Based Training and Certification Program. (2003). *The Intake and Investigation Process.* University of Pittsburgh: Mechanicsburg, PA.
- Pennsylvania Child Welfare Training Program. (2006). *Safety, Permanence, and Well-being: Legal Mandates in Pennsylvania, Overview.* University of Pittsburgh: Mechanicsburg, PA.
- Pennsylvania Department of Public Welfare. (2006). *2005 Annual Child Abuse Report.*
- Pennsylvania Family Support Alliance. (2005). *Recognizing and Responding to Child Neglect: A Guide to General Protective Services.* Pennsylvania Family Support Alliance: Harrisburg, PA.
- Rycus, J., & Hughes, R. (1998). *Field Guide to Child Welfare.* Washington, DC: CWLA Press.
- Commonwealth of Pennsylvania. (2008, March). Office of Children, Youth and Families Bulletin. *Developmental Evaluation and Early Intervention Referral Policy.* 3490-08-01
- Commonwealth of Pennsylvania. (2008, March). Office of Children, Youth and Families Bulletin. *Implementation of Act 126 of 2006 Amending the Child Protective Services Law.* 3490-08-02
- Warren County Human Services v. State Civil Service Commission, 376 C.D. 2003 (March 8, 2004).*