



THE CENTER FOR Children's Justice

To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

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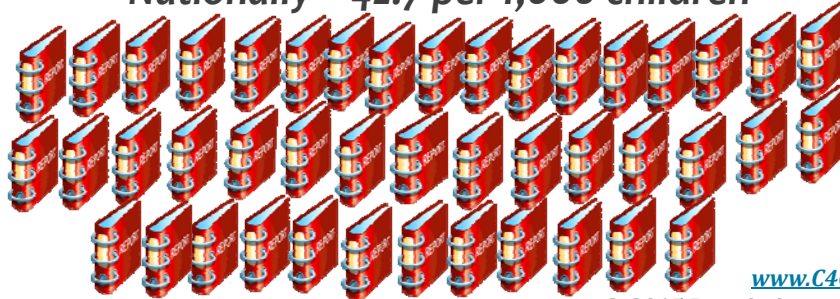
PA = CHILD ABUSE STATISTICAL OUTLIER

PA 2013 reports investigated =

8.6 per 1,000 children



Nationally = 42.7 per 1,000 children



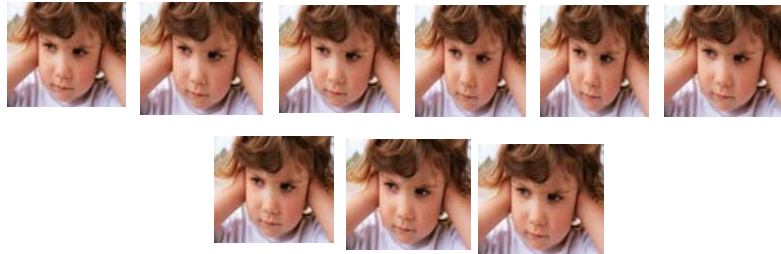
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**CHILD ABUSE VICTIMS IN PA =
1.2 PER 1,000 CHILDREN**



Nationally = 9.1 per 1,000 children



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CALL TO ACTION



1. **April 2011 - 1st tipping point...** physician-informed research (e.g., abusive head trauma and the rates of hospital admission for medically diagnosed "child abuse") illustrates tangible disconnect between PA statistics on "child abuse" and on-the-ground experiences of children, physicians, and child welfare workforce.
 - Informed and mobilized by the Center for Children's Justice, 50 + organizations urge creation of an **"intentional time-limited and interdisciplinary Task Force on Child Protection"**
2. **November 2011 - 2nd tipping** ... On November 5, 2011, former Penn State Assistant Football Coach Gerald Sandusky arrested and criminally charged with 40 counts of sexual crimes against young boys, following a three-year investigation.

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TASK FORCE ON CHILD PROTECTION CREATED

Intent:

“Restore public confidence in the ability of the Commonwealth to protect the victims of child abuse”

Recommendation:

“Taken together, this body of testimony is both inspiring and highly informative. No one who listens to and considers it can doubt that dramatic change is required in the way our governmental institutions work to protect children in Pennsylvania.”

Bucks County District Attorney David Heckler, Chair of the Task Force

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2 PATHS POSSIBLE

Child Protective Services Law

- ✓ Children and Youth Services investigates
- ✓ Evidence = substantial
- ✓ Not all child abuse reports trigger criminal charges or conviction
- ✓ + finding (known as substantiation) perpetrator placed on confidential child abuse registry (checked as part of a child abuse history background check to determine ability to work/volunteer with children)

Criminal Law

- ✓ Law enforcement investigates (can be jointly with Children and Youth Services)
- ✓ Evidence = Beyond a reasonable doubt
- ✓ Not automatic that criminal charges filed or conviction secured

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Definitions drive everything.....

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DEFINING PERSON RESPONSIBLE FOR THE CHILD'S WELFARE

“A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control”

Removed effective 7/1/15 is the following:

“The term includes any such person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization.”

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DEFINING DIRECT CONTACT WITH CHILDREN

Direct contact with children defined as **“The care, supervision, guidance or control of children or routine interaction with children.”**

NOTE CHANGE: As of 7/1/15

Routine Interaction = “Regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.”

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DEFINING PROGRAM, ACTIVITY OR SERVICE

Any of the following in which children participate and which is sponsored by a school or a public or a private organization:

- A youth camp or program
- A recreational camp or program
- A sports or athletic program
- A **COMMUNITY OR SOCIAL** outreach program*
- An enrichment **OR EDUCATIONAL** program*
- A troop, club or similar organization

* change as of 7/1/15

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DEFINITIONS

Changes to the Definitions of Child Abuse

1. **Bodily Injury** is any “impairment” of the physical condition (change from former “significant impairment”) OR an injury that results in substantial pain (change from “severe” pain).
2. **Serious Mental Injury** now includes an act or series of acts over a course of time that *substantially contributes* to- though does not necessarily directly cause- a psychological condition in a child.
3. **Sexual Abuse or Exploitation** now includes *statutory sexual assault* and *institutional sexual assault*, as well the following:
 - a. looking at the sexual/intimate parts of a child for the purpose of arousing or gratifying sexual desire in any individual;
 - b. participating in sexually explicit conversation(in person, by telephone, by electronic device) for the purpose of sexual stimulation or gratification;
 - c. actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification;
 - d. actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

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4. **Serious Physical Neglect** was expanded to include *egregious behavior* that may only occur one time, but endangers a child's life or health, well-being or development.
5. **Student Abuse** has been eliminated as a separate and distinct definition of abuse and is now to be reported to ChildLine as with all other definitions of abuse.

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DEFINITIONS

Additions to the Definitions of Child Abuse

5. **Per se Child Abuse** was added as a type of child abuse that “in and of itself” identifies culpable conduct regardless of whether an injury results. Conduct includes:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child
- Unreasonably physically restraining or confining a child based on consideration of the method, location or the duration of the restraint or confinement
- Forcefully shaking, slapping or otherwise striking a child under one year of age
- Interfering with the breathing of a child
- Causing a child to be present where methamphetamine is being manufactured & police investigating
- Leaving a child unsupervised with a sex offender, etc...
“other than the child’s parent” AND “knows or should have reasonably known”

6. **Fabricating, feigning or intentionally exaggerating or inducing** a medical symptom or disease which results in a potentially harmful medical evaluation or treatment of the child through any recent act.

7. Causing the **death of the child** through any act or failure to act.

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DEFINITIONS

DEFINITION OF A PERPETRATOR

- (i) A parent of the child.
- (ii) A **spouse or former spouse*** of the child's parent.
- (iii) A paramour or **former paramour*** of the child's parent.
- (iv) **A person 14 years of age or older and responsible for the child's welfare OR HAVING DIRECT CONTACT WITH CHILDREN AS AN EMPLOYEE OF CHILD-CARE SERVICES, A SCHOOL OR THROUGH A PROGRAM, ACTIVITY OR SERVICE***
- (v) An individual who is 14 years of age or older who resides in the same home as the child.
- (vi) **An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.*** ***new December 31, 2014 (additional change as of 7/1/15)**

Why do I need to know this? Suspected child abuse cases with a perpetrator are investigated by Child Protective Services. Suspected child abuse cases with someone other than a perpetrator are investigated by Law Enforcement.

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Who is a Mandated Reporter in PA?

people in these positions are required to report child abuse:

1. **A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State***
2. A medical examiner, coroner or funeral director
3. An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals
4. **A school employee***
5. An employee of a child care service, who has direct contact with children in the course of employment
6. **Clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization***
7. **An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, IS A PERSON RESPONSIBLE FOR THE CHILD'S WELFARE OR HAS DIRECT CONTACT WITH CHILDREN. ***
8. An employee of a social services agency who has direct contact with children in the course of employment
9. A peace officer or law enforcement official defined as Attorney General, DA, PA State Police and municipal police officer

* New or Expanded (additional change as of 7/1/15)

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Who is a Mandated Reporter in PA?

people in these positions are required to report child abuse:

10. **An emergency medical services provider certified by the Department of Health***
11. **An employee of a public library, who has direct contact with children in the course of employment***
12. **An individual supervised or managed by a person listed above who has direct contact with children in the course of their employment***
13. **An independent contractor who has direct contact with children***
14. **An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children***
15. **A foster parent***
16. An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervisions or licensure by the department under Articles IX and X (otherwise known as the Public Welfare Code).*

* New or Expanded (additional change as of 7/1/15)

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NOT EVERY VOLUNTEER = MANDATED REPORTER

Scenario #1 Volunteer Mandated Reporter

- The **adult** volunteer "on the basis of the individuals' role as an **integral part of a regularly scheduled program, activity or service is a person responsible for the child's welfare**. That means the volunteer provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Scenario #2 Volunteer Mandated Reporter

- The **adult** volunteer "on the basis of the individuals' role as an **integral part of a regularly scheduled program, activity or service has direct contact with children**." Direct contact is "the care, supervision, guidance or control of children or routine interaction with children." Routine interaction is defined as "'regular and repeated contact."

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REMEMBER

A mandated reporter is required to report SUSPECTED child abuse to CHILDLINE.

Regardless of whether someone:

- is family or non-family member;
- is a teacher, coach, or other school employee
- etc...

ChildLine 1-800-932-0313 • Child Welfare Portal
www.compass.state.pa.us/cwis



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When Do Mandated Reporters Report?

A mandated reporter is required to make an **IMMEDIATE** report of **SUSPECTED** child abuse if they have **reasonable cause to suspect** that a child is a victim of child abuse under any of the circumstances:

1. The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service; **or**
2. The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization or other entity that is directly responsible for the care, supervision, guidance or training of the child; **or**
3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse*; **or**
4. An individual 14 years of age or older makes as specific disclosure to the mandated reporter that the individual has committed child abuse*.

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* New or Expanded

THE REPORTING PROCESS FOR THE MANDATED REPORTER

MANDATED REPORTERS ARE TO REPORT TO CHILDLINE
NOT IN & UP WITHIN THEIR INSTITUTION

Mandated reporters within an institution (e.g., school, public or private institution, medical facility) **SHALL "report immediately"** to ChildLine **and then** "thereafter notify the person in charge of the institution, school...."

NOTE: There still is no requirement that the child "come before the mandated reporter in order for the mandated report to make a report of suspected child abuse."



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STRENGTHENING RESPONSIBILITIES AND IMPROVING THE PROCESS

INCREASED PENALTIES FOR MANDATED REPORTERS WHO "WILLFULLY" FAIL TO REPORT

Under the CPSL, a mandated reporter who willfully fails to report suspected child abuse is committing a crime that may range from a **felony of third degree to a misdemeanor of the second degree**.

INCREASED PROTECTIONS FOR MANDATED REPORTERS

In addition to continued immunity from civil and criminal liability, there are increased protections for reporters against intimidation, retaliation or obstruction in child abuse cases.

INFORMING THE MANDATED REPORTER

DHS will have 3 days (from date it receives the "results" of the report) to circle back to the mandated reporter to inform as to:

1. If report was founded, indicated or unfounded
2. What, if any, services were provided or arranged for by the county agency

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REPORTING DOESN'T MEAN CHILD LEAVES HOME

A call to ChildLine doesn't mean a child will be removed from the care of his/her family.

In fact, more PA children are receiving services in their own home when compared to 2010. These services permit a child to

- safely remain at home,
- cultivate protective factors in a family,
- reduce childhood trauma caused by placement.

167K + PA children received in-home services in 2014.

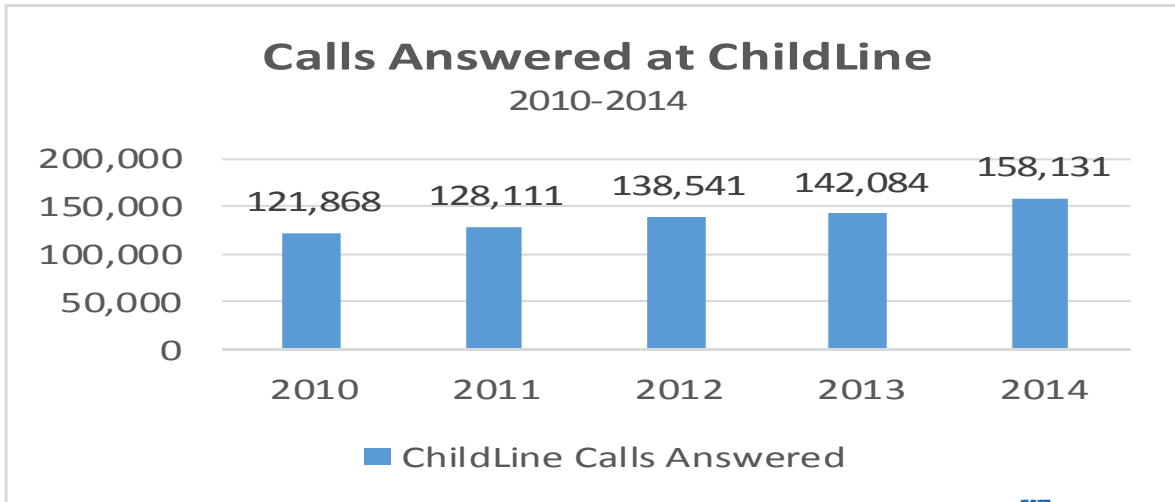
(State of Child Welfare 2015, http://www.porchlightproject.org/reports/socw15/2015_SOCW_Pennsylvania.pdf)

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Before the Legal Changes – Pressures Mounting



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Before the Legal Changes – Pressures Mounting

Year	Child Abuse Reports Triggering an Investigation	Substantiated Reports	Child Victims	General Protective Services (only those called into ChildLine)
2014	29,273 ↑	3,340 ↓ (11.4%)	3,326 ↓	47,854 ↑
2013	26,944	3,425 (12.7%)	3,280	41,386
2012	26,664	3,565 (13.4%)	3,408	39,328
2011	24,378	3,408 (13.9%)	3,292	38,780
2010	24,615	3,656 (14.8%)	3,508	36,503

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A Child Behind Every Number

158,131

29,273
47,854
7,397

Calls Answered at ChildLine

Child Abuse Investigations (1,435 were re-abuse reports)
General Protective Services Referrals
Law enforcement only (LEO) cases

29,273

3,340
65%
53%
7.2%
11%

Child (and Student) Abuse Investigations

Reports substantiated as Child/Student Abuse (239 were re-abuse)
involved girls, 35% involved boys
Sexual in nature
Child was a victim in a previous report
Perpetrators who were repeat perpetrators

3,280

Child Victims

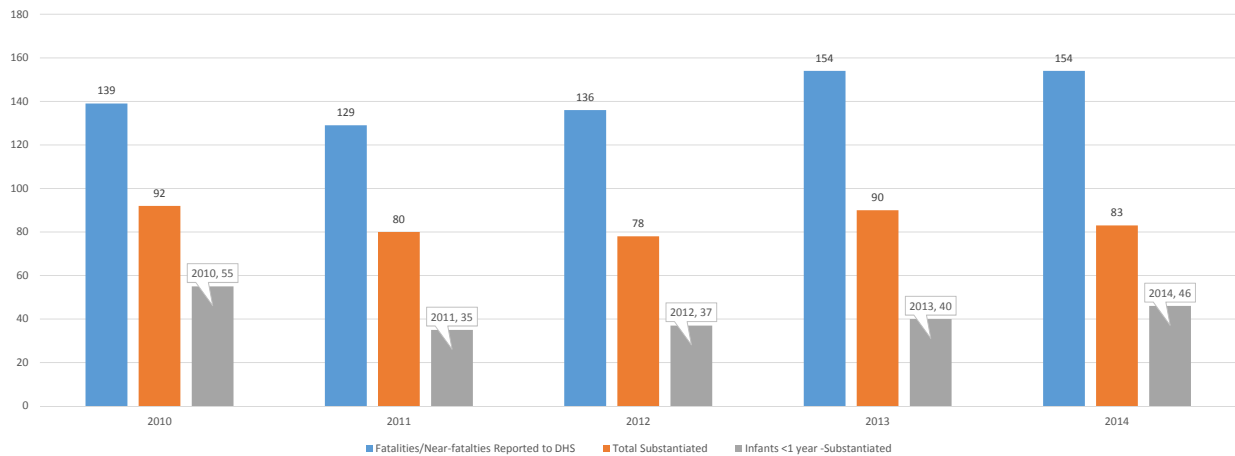
- The child victim rate was 1.2 per 1,000 children. (down from 1.3 in '13)
- 2 counties (Montour and Sullivan) recorded NO child victims
- 40% of the physical abuse injuries happened to a child under the age of 5, 6% of the recorded sexual abuse injuries and 60% of neglect-related injuries involved children in this same age group

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423 = Tragic Toll, Tender Ages

423 PA Child Abuse and Neglect Fatalities & Near-Fatalities
Total suspected CAN fatalities/near-fatalities, reports substantiated and substantiated reports involving infants < 1 year of age
2010 - 2014



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Background Checks- WHO?

WHO?

Employees having contact with children; adoptive and foster parents with 6344 (A) applicable to the following individuals:

1. Employee of child care services
2. Foster parent
3. Prospective adoptive parent
4. Self-Employed family day care provider
5. Person 14 years of age or older applying for a paid position as an employee responsible for the welfare of a child or having direct contact with children
6. Individual seeking to provide child care services under contract with a child care facility or program
7. Individual 18 years of age or older residing with a foster parent or prospective adoptive parent for at least 30 days in a calendar year
8. School employees (those governed by the Public School Code and those outside of that Code)
9. **Certain adults applying for an unpaid position as a volunteer (see next slide for more)**

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Background Checks - Volunteers

Unpaid adult volunteers WITH A CHILD-CARE SERVICE, SCHOOL OR A PROGRAM, ACTIVITY OR SERVICE AS A PERSON responsible for the child's welfare or having direct VOLUNTEER contact with children are required to submit State Police and Department of Human Services Child Abuse background checks. Some, not all, also need FBI background check.



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VOLUNTEERS & BACKGROUND CHECKS

Scenario #1

- The **adult** volunteer with a **child-care service, a school or a program, service or activity is responsible for the child's welfare** meaning this adult provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child **in lieu** of parental care, supervision and control.

Scenario #2

- The **adult** volunteer with a **child-care service, a school or a program, service or activity** provides care, supervision, guidance or control of children **AND** has routine interaction with children (meaning "**regular and repeated contact**" that is "integral" to the volunteer's responsibilities).

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DEFINING PERSON RESPONSIBLE FOR THE CHILD'S WELFARE

“A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control”

Removed effective 7/1/15 is the following:

“The term includes any such person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization.”

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DEFINING DIRECT VOLUNTEER CONTACT WITH CHILDREN

Direct **VOLUNTEER** contact with children defined as
“The care, supervision, guidance or control of children **AND routine interaction with children.”**

NOTE this is a new definition for volunteers and background checks (ONLY) the **OR** became **AND** in the definition.

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DEFINING PROGRAM, ACTIVITY OR SERVICE

Any of the following in which children participate and which is sponsored by a school or a public or a private organization:

- A youth camp or program
- A recreational camp or program
- A sports or athletic program
- A **COMMUNITY OR SOCIAL** outreach program*
- An enrichment **OR EDUCATIONAL** program*
- A troop, club or similar organization

* change as of 7/1/15

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Background Checks- WHAT?

Two background checks are required of all employees and adult volunteers:

- #1 PA State Police Criminal History
- #2 Child Abuse Clearance (PA Department of Human Services)

A 3rd check (FBI clearance w/fingerprinting – approximately \$25-27) is required of employees and ONLY for volunteers who have not lived in PA for 10 years consecutively. Those who have lived in PA for 10 years sign a “swear or affirm” statement that they are not disqualified due to a conviction or placement on a child abuse registry in another state.

DHS sample Swear and Affirm Statement for Volunteers not needing FBI background check:
http://www.keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_160267.pdf
 For Employees (provisional employment):
http://www.keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_160268.pdf

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Background Checks – Internships, Work-Study, Etc.

Lawmakers recognized the need to make some changes with regard to internships, work-study, co-ops, etc. to narrow the scope of who needed checks.

“If the program, activity or service is an **internship, externship, work-study, co-op or similar program**, an adult applying for or holding a paid position with an employer that participates in the internship, externship, work-study, co-op or similar program with a school and whom the employer and the school identify as the child’s supervisor and the person responsible for the child’s welfare while the child participates in the program with the employer.” The adult identified as the person responsible for the child’s welfare is required to be in the immediate vicinity at regular intervals with the child during the program.

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Background Checks- Minors

ONLY adult volunteers require background checks. A minor volunteering does not need any background checks under the CPSL, but an agency, organization, school could still require them (remember the law is the floor not ceiling).

Minors – between the ages of 14 and 17 – holding or applying to hold a “paid position as an employee who is a person responsible for the child’s welfare or a person with direct contact with children through a program, activity, or service prior to the commencement of employment... shall be required to submit only.....” a PA State Police Criminal History and a PA DHS Child Abuse Certification. An FBI checks is not needed if:

- The minor has lived in PA consecutively for 10 years
- The minor and his/her parents swear or affirm the minor “is not disqualified from service” or “has not been convicted of an offense similar in nature to those crimes” listed in the CPSL

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Background Checks-What limits employment or volunteering?

A person convicted of one or more of the following offenses (or the “attempt, solicitation or conspiracy to commit” the offense) under Title 18 (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state:

Criminal homicide	Indecent assault
Aggravated assault	Indecent exposure
Stalking	Incest
Kidnapping	Concealing death of child
Unlawful restraint	Endangering the welfare of a children
Rape	Dealing in infant children
Statutory sexual assault	Prostitution & related offenses (felony)
Involuntary deviate sexual intercourse	Obscene and other sexual materials and performances
Sexual assault	Corruption of minors
Aggravated indecent assault	Sexual abuse of children

Felony drug offense committed **within the five-year** period immediately preceding verification under this section

Named/registered as a perpetrator of a Founded report of child abuse **within last 5 years**

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Background Checks- WHEN?

Employment and volunteer scenarios	Date by which certifications must be obtained
Existing employee with current comprehensive certifications (e.g., FBI, PA State Police, PA DHS Child Abuse) obtained after July 1, 2010	60 months from the date when the current certifications were obtained (e.g., June 2017 if the certifications were obtained in June 2012)
Existing employee with certifications obtained before July 1, 2010	July 1, 2016 (one year after the effective date of Act 15 of 2015)
Existing employee never required to have certifications previously	December 31, 2015
Existing volunteer (unpaid) with certifications obtained after July 1, 2010	60 months from the date when the current certifications were obtained (e.g., June 2017 if the certifications were obtained in June 2012)
Existing volunteer (unpaid) with no previous requirement to obtain certifications	July 1, 2016 (one year after the effective date of Act 15 of 2015)
New volunteers	August 25, 2015

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Background Checks- Portability & Best Practice

AS OF 7/25/15, VOLUNTEERS WILL NOT PAY THE FEES FOR PSP & DHS STATE CERTIFICATIONS. THE FEE IS WAIVED 1X IN A 57 MONTH PERIOD. ALSO, THE FEE FOR EMPLOYEES TO OBTAIN THESE TWO STATE CERTIFICATIONS WAS REDUCED TO \$8 PER CHECK.

Provisional period for volunteers – A person who can show compliance with clearance standards in another state can volunteer for a total of 30 days in a calendar year in PA without obtaining PA background checks.

Background checks are portable - a volunteer who has background checks because of paid employment can use those checks to volunteer (showing not giving up the original document).

A person does not need another set of background checks to volunteer in multiple settings.

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Background Checks- Portability & Best Practice

Portability now also applies to employment situations (w/a signed waiver).

Checks ARE NOT portable for employment if obtained for volunteering.

If an employee or volunteer is arrested or convicted of a crime (outlined in state law) that limits contact with children or placed on the state child abuse registry, the volunteer must notify the agency where they work or volunteer within 72 hours.

Presumption of good faith in “identifying individuals required to submit the certifications” and then maintain the records.

Agencies have to have processes in place to record and keep copies (not originals) of background checks for employees and volunteers. The agency must remember a person’s child abuse history information **must** remain confidential (so designating limited number of individuals who have access to these files will be important). Remember the presumption of good faith.

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Background Checks- WHERE?

Pennsylvania State Police Criminal History Check.
Conducted by PSP

<https://epatch.state.pa.us/Home.jsp>

*Can be processed and paid for entirely online

PA Child Abuse Clearance
Conducted through ChildLine
www.compass.state.pa.us/cwis

*Can be processed and paid for entirely online

The FBI fingerprinting
Conducted by Cogent.

<https://www.pa.cogentid.com/index.htm> (select Department of Human Services icon)

*Can be paid for online

This website summarizes the 3:

<http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>

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Required Training

The new law requires certain mandated reporters to receive initial and ongoing training on child abuse and reporting requirements:

- All persons applying or renewing for a license or certification issue by the PA licensing board
- Operators and employees who have direct contact with children of institutions, facilities or agencies which care for children and are subject to supervision or licensure by the Department of Public Welfare
- Foster Parents
- Caregivers and employees who have direct contact with children of family day care homes which are registered by the Department of Public Welfare

NO CURRENT REQUIRED TRAINING FOR VOLUNTEERS. HOWEVER... BEST PRACTICE SHOWS TRAINING INFORMS AND PREPARES MANDATED REPORTERS TO BEST PROTECT CHILDREN.

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FOR MORE INFORMATION: <http://keepkidssafe.pa.gov/>

Trainings approved to meet ACT 31 of 2014:

Network of Victim Assistance
215-343-6543
www.novabucks.org
mandy@novabucks.org

PA Child Welfare Resource Center
online training: www.reportabusepa.pitt.edu

Family Support Alliance
(717) 238-0937
<http://www.pa-fsa.org/>

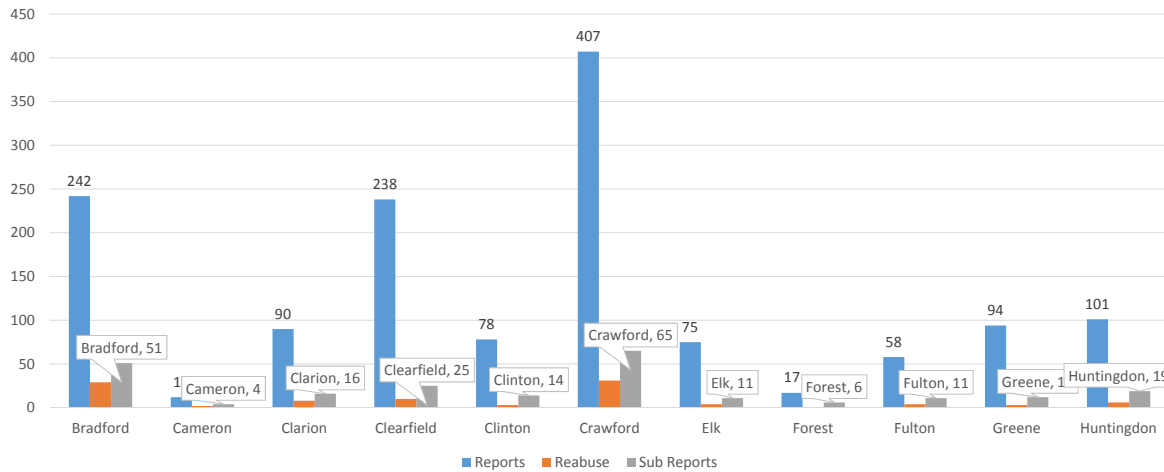
A complete list of approved training providers is available at:
<http://keepkidssafe.pa.gov/>

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Rural Counties - 2014

Total # of reports investigated, including re-abuse reports, and total # of reports substantiated as child abuse



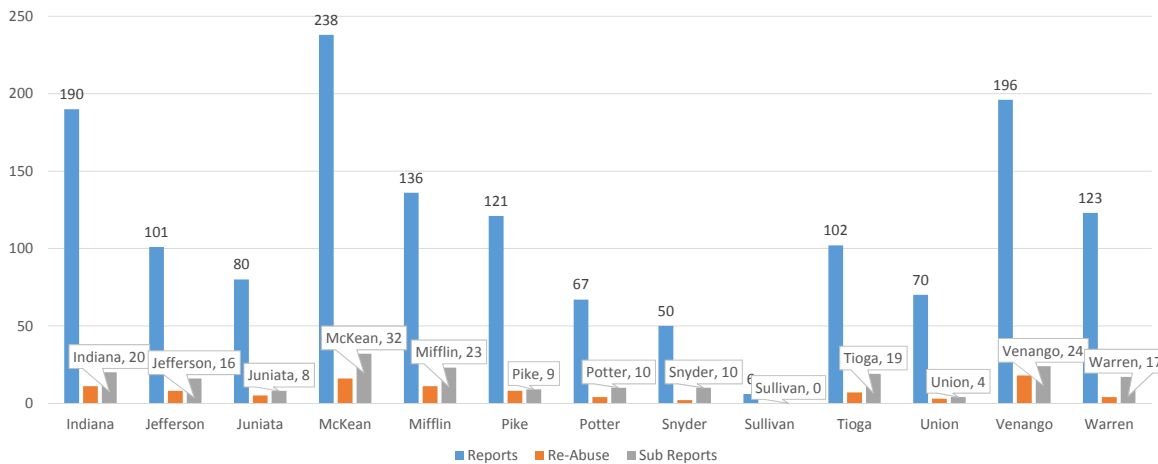
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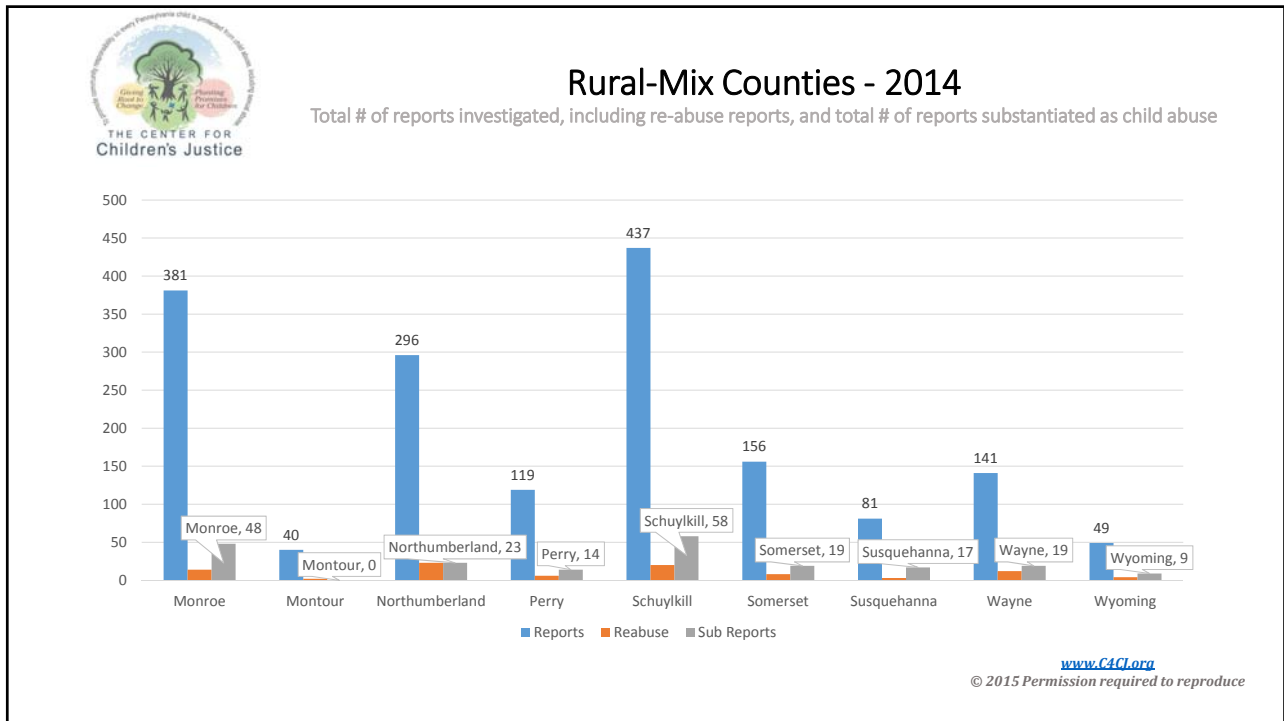
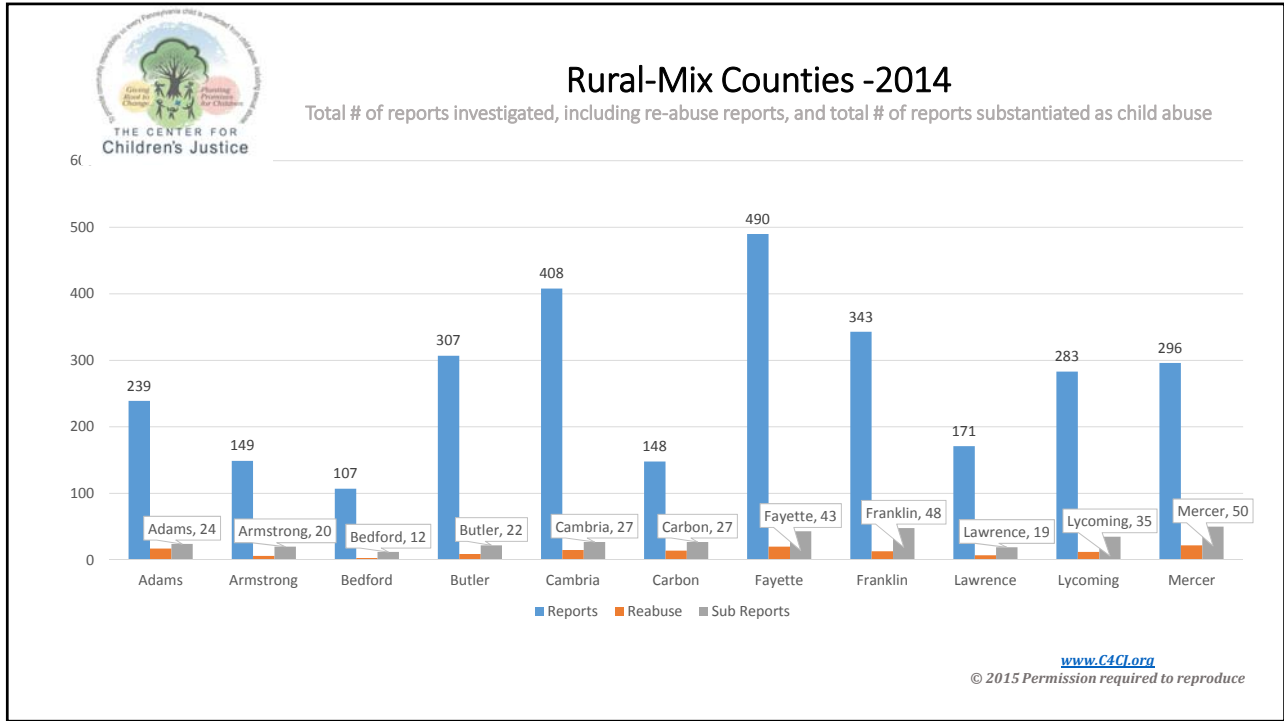
Rural Counties Continued - 2014

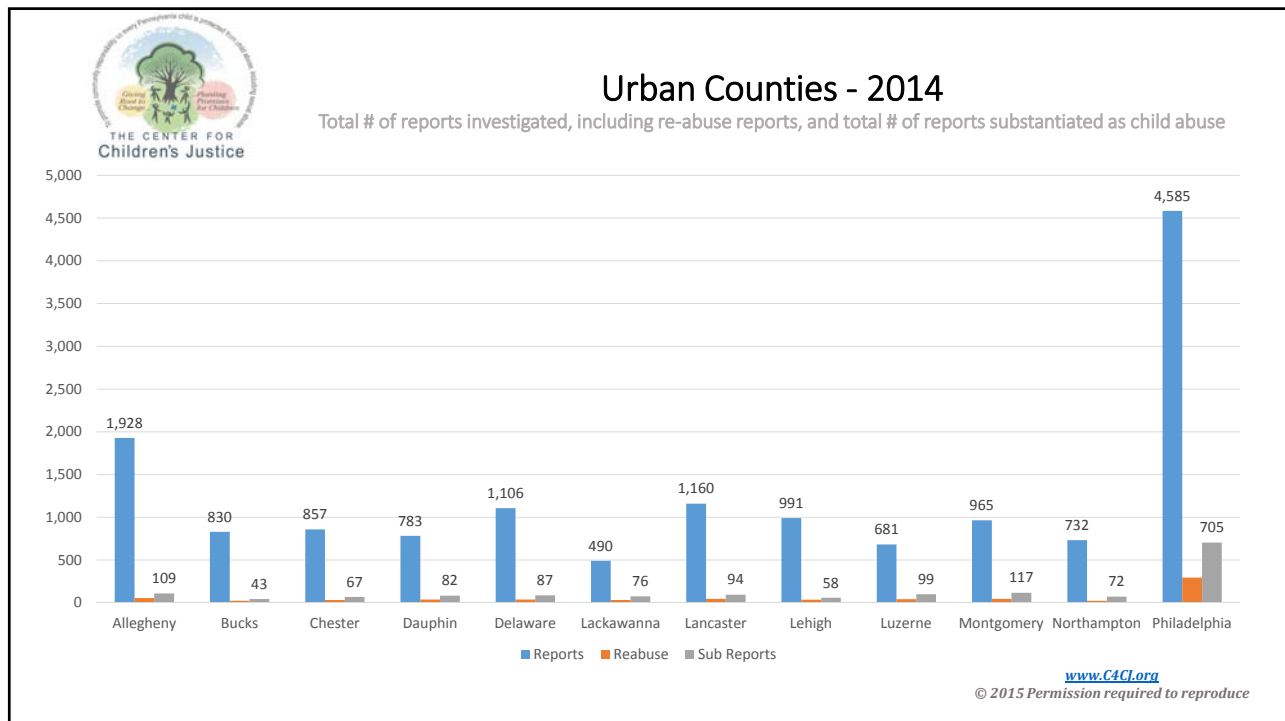
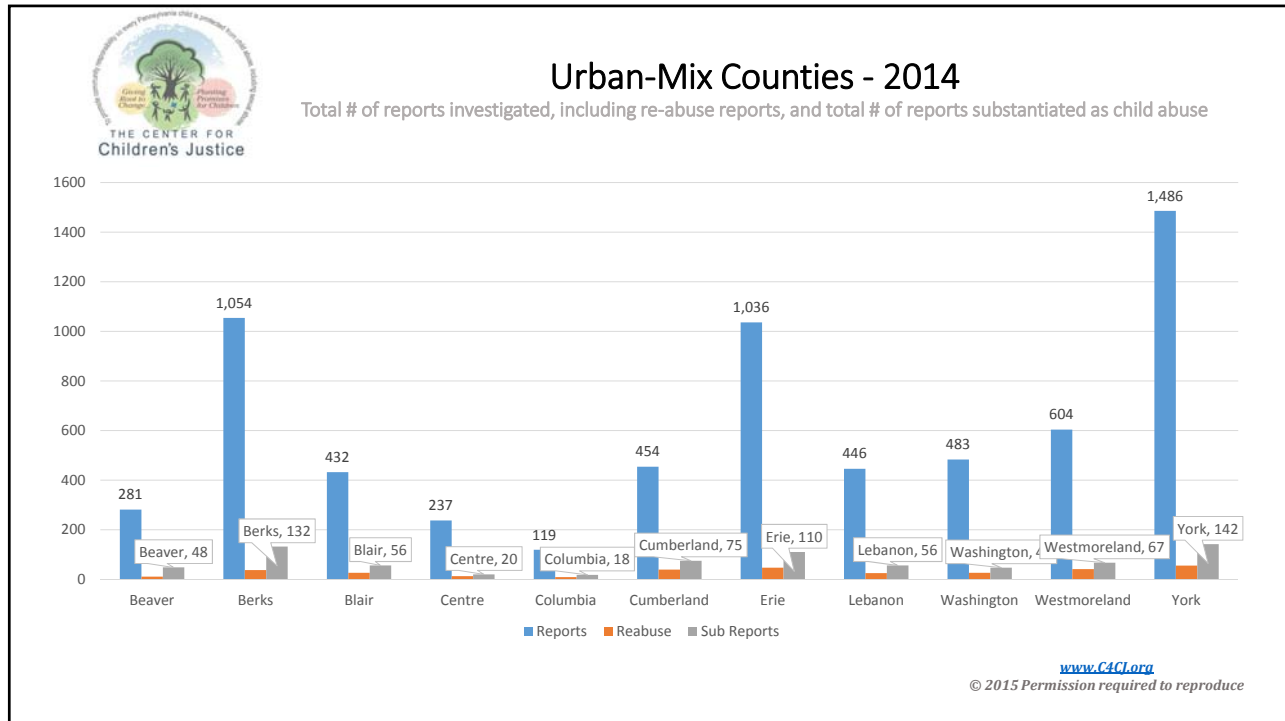
Total # of reports investigated, including re-abuse reports, and total # of reports substantiated as child abuse



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To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

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