

WHEN AND HOW TO REPORT SUSPECTED CHILD ABUSE

Prepared by the PSEA Legal Division
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Who has a legal duty to report suspected child abuse?

Under the CPSL, a mandatory reporter who has reasonable cause to suspect that a child is a victim of child abuse must file a report.

Are school employees mandatory reporters?

Yes, school employees (except for administrative or other support personnel who do not have direct contact with children) are mandatory reporters under the CPSL.

What is child abuse?

Child abuse is intentional, knowing, or reckless harm upon a child under the age of 18. The CPSL lists many specific categories of child abuse. For a complete description of these categories as well as a description of exclusions from the definition of child abuse, please see the FAQ on the Department's website at <https://www.compass.state.pa.us/CWIS/Public/FAQ/>.

What is reasonable cause to report?

There is no definition of "reasonable cause" in the CPSL. It is clear, however, that the reporter does not need to have firsthand knowledge of child abuse in order to have a reporting obligation under the law. The CPSL provides that a mandated reporter with reasonable cause to suspect that a child is a victim of child abuse under the following circumstances shall file a report when:

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;
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, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance or training of the child;
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 a specific disclosure to the mandated reporter that the individual has committed child abuse.

Does a mandated reporter have an obligation to report suspected child abuse based on reasonable cause developed during periods of online instruction or remote learning?

Yes. Mandated reporters must immediately report suspected child abuse regardless of the context in which they have reasonable cause to suspect child abuse.

Are child abuse reports and the identity of the reporter confidential?

The CPSL provides that the name and contact information of the individual making the report is provided only to the agencies investigating the report, such as the police, county, or state Children and Youth agencies, and any other agencies cooperating in the investigation.

Are there any consequences for the mandatory reporter who reports in good faith if the investigation determines that there is no child abuse?

No. The CPSL provides that individuals who make good faith reports of child abuse have immunity from civil and criminal liability that results from making a report, cooperating with or consulting with a child abuse investigator, and/ or testifying in a proceeding arising out of a child abuse report.

Are there penalties for failure to report?

Yes. Mandatory reporters who willfully fail to report child abuse commit a crime. A mandatory reporter's willful failure to report child abuse may constitute a misdemeanor or felony, depending on the circumstances.

What is the procedure to report child abuse?

- **Step 1:** Call ChildLine at 1-800-932-0313 or file an electronic report at www.compass.state.pa.us/cwis. Keep a copy of any written report that is filed for your records.
- **Step 2:** Within **48** hours of an oral report, file a written report to the county CYS agency in the county in which the alleged abuse occurred. If an electronic report was filed under step 1, the county is automatically notified and there is no need to file a written report with the county agency.
- **Step 3:** Immediately notify school administration that a report was filed. Keep a copy of this notification for your records.

Must I give my name to report child abuse?

Yes. The CPSL requires that a report filed by a mandated reporter must include the name,

telephone number, and email address of the person making the report.

Will I receive confirmation from the Department of Human Services after I file a mandatory report?

If you file a report through the electronic reporting system, you will receive electronic confirmation that a report was filed which you should retain for your records. If you make a report to Childline by telephone, you will not receive immediate confirmation that a report was filed. Therefore, you should retain a note for your file as to the date and time that you spoke with Childline along with the operator number of the individual who received the call.

Will I have to testify in court?

Possibly. You may have to testify in court if criminal charges are filed against the alleged perpetrator.

Will parents find out about the report?

Parents will find out about the report if they are the alleged perpetrators or when officials interview their child. Officials, however, are required to protect the identity of the mandated reporter.

Can I take a photo of the child's injury?

The law specifically allows mandated reporters to take photographs of the child who is the subject of the report. In addition, the law provides that mandated reporters have immunity from criminal or civil liability when they take photographs of the child. School employees should; however, make sure that their employer also permits them to take photographs.

What happens after I file a child abuse report?

A CYS case worker must see the child within 24 hours of a report from the Department of Human Services.

If state officials conclude that the conduct alleged also implicates a crime, they will notify local law enforcement and the county Children and Youth agency where the alleged conduct arose. Law enforcement and county Children and Youth will then investigate the crime through a multidisciplinary team approach. Otherwise, the local Children and Youth agency will investigate alone. Generally, the investigation is to be completed within 30 days.

After 60 days of the date the initial report is filed, the Department must issue notice on its statewide register of the final status of the report. The Department will determine whether the report was founded, indicated, or unfounded. If an investigation by the county agency does not result in a determination of a founded or indicated report within 60 days of the date that the report is filed and unless within that same 60-day period court action has been initiated and is responsible for the delay, the report is automatically deemed unfounded.

Will officials contact me regarding my report?

Officials must interview reporters prior to the conclusion of the investigation.

Will anyone notify me about the outcome of the investigation?

The Department must notify mandated reporters of the following within three days of the Department's receipt of the results of the investigation: (a) whether the child abuse report was founded, indicated, or unfounded; and (b) whether any services were provided, arranged, or will be provided or arranged by the county agency to protect the child.

What should I do if during the investigation I believe that action is going to be taken against me for violating reporting requirements or that I am a target of the investigation?

Contact your UniServ representative immediately. He or she will put you in touch with the appropriate PSEA attorney.