



# CPSL and OCYF Overview

**November 2014**

**Allegheny County  
Department of Human Services (DHS)  
Office of Children, Youth and Families (CYF)**

# Agenda

1. Overview of DHS- OCYF and Functions
2. CPSL Changes
  - Definitions of Perpetrator & Child Abuse
  - Mandated Reporters
  - How to report
  - Clearances

# Pennsylvania Mandates

- ☞ Child Protective Services Law (23 PACS § 6301-6385)
- ☞ Juvenile Act (23 PACS § 6301-6385)
- ☞ Pennsylvania Adoption Act (23 PACS § 2101-2910)
- ☞ Regulations governing county children and youth agencies & child protective services (*mostly Title 55*)
- ☞ Other guidance from Pennsylvania OCYF

*(statutes listed above are often amended by new laws)*

CPSL broadens the definition  
of perpetrator and clarifies  
*acts of abuse vs. failures to  
act*

# Perpetrator: Acts of Abuse

*(Commission)*

- ✎ Parents of any age
- ✎ Spouse, paramour, former spouse, or former paramour of parent
- ✎ Raises the age to 14 years or older for a person responsible for a child's welfare including:
  - Those with direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit, religious, or non-profit organization (e.g. camps, athletic or enrichment program, troops, clubs, etc.)
  - **School employees** and independent contractors

# Perpetrator: Acts of Abuse:

(cont'd)

- ∞ Any household member 14 years of age or older
- ∞ Includes individuals 18 years or older who do not reside in the same home as the child *and* are related within the third degree of blood, marriage, or adoption

# Perpetrator: Failure to Act

*(Omission)*

- ∞ Parents of any age
- ∞ Spouse, paramour, former spouse, or former paramour of the parent
- ∞ Raises the age from 14-18 as it relates to:
  - Person responsible for the child's welfare; and
  - Persons residing in the same home as the child

# Definitions of *Child Abuse*



Child Abuse shall mean  
*intentionally, recklessly, or*  
*knowingly* doing any of the  
following:

*Recent act or failure to act =  
an act committed within 2  
years of the date of report*

(1) Causing bodily injury through any recent act or failure to act.

Bodily injury is that which causes *impairment of a physical condition or substantial pain*

(2) Creating a reasonable likelihood of *bodily injury* to a child through any recent act or failure to act

***(3) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act***

(4) Causing or *substantially contributing* to serious mental injury of a child through any act or failure to act or a series of such acts or failures to act

# Serious Mental Injury

A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

- ∞ renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or
- ∞ seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**(5) Causing sexual abuse or exploitation of a child through any act or failure to act**



# Sexual Abuse/Exploitation (Cont'd)

- ∞ The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
  - *Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual*
  - *Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual gratification of any individual*

# Sexual Abuse/Exploitation (Cont'd)

- *Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual*
- *Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting, or filming*
- ∞ Consensual acts between children age 14-18 are excluded as sexual abuse unless they involve **force or coercion**

# Sexual abuse/exploitation also includes the following offenses against a child

- Rape
- Statutory sexual assault
- Involuntary deviate sexual intercourse
- Institutional sexual assault
- Aggravated indecent sexual assault
- Sexual assault
- Indecent assault
- Indecent exposure
- Incest
- Prostitution
- Sexual abuse
- Unlawful contact with a minor
- Sexual exploitation

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

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

# Serious Physical Neglect

∞ Any of the following when committed by a perpetrator that endangers a child's life or health, ***threatens a child's well-being, causes bodily injury or impairs a child's health***, development or functioning:

- A repeated, prolonged or ***egregious (can be one-time) failure*** to supervise a child in a manner that is appropriate considering the child's developmental age and abilities; or
- The failure to provide a child with adequate essentials of life, including food, shelter, clothing, supervision, medical care, education, and protection from harm

# (8) Engaging in any of the following recent acts

- ☞ Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child
- ☞ Unreasonably restraining or confining a child, based on consideration of the method, location, or duration of the restraint or confinement
- ☞ Forcefully shaking a child < 1 year
- ☞ Forcefully slapping or striking A child < 1 year
- ☞ Interfering with the breathing of a child

# (8) Engaging in any of the following acts (Cont'd)

- ✎ Causing child to be present at a methamphetamine lab, provided that the violation is being investigated by law enforcement
- ✎ Leaving child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
  - Required to register as a **Tier II or Tier III sexual offender** where the **victim was under 18 years** of age when the crime was committed
  - Has been determined to be a **sexually violent predator**
  - Has been determined to be a **sexually violent delinquent child**



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

# Remember, *Recent* Applies to:

- ☞ Bodily injury
- ☞ Fabricating, feigning, intentionally exaggerating or inducing a medical symptom or disease which results in potentially harmful medical evaluation or treatment to the child through any recent act
- ☞ Creating a reasonable likelihood of bodily injury
- ☞ Creating a reasonable likelihood of sexual abuse or exploitation
- ☞ Engaging in any in any of the following recent acts
  - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child
  - Unreasonably restraining or confining a child based on consideration of the method, location, or duration
  - Forcefully shaking, slapping or striking a child <1
  - Interfering with the breathing of a child
  - Causing a child to be present at a meth lab provided the violation is being investigated by law enforcement
  - Leaving the child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known is required to register as a Tier II or Tier II sexual offender where the victim was under 18; has been determined to be a sexually violent predator; or has been determined to be a sexually violent delinquent child

# Recent *Does Not Apply* to:

- ⌘ Serious mental injury
- ⌘ Sexual abuse or exploitation
- ⌘ Serious physical neglect
- ⌘ Causing the death of a child

# Exclusions from Child Abuse:

- ✎ Environmental Factors
- ✎ Practice of religious beliefs
- ✎ Use of force for supervision, control and safety purposes
- ✎ Participation in (sport, phys. ed., etc.) events that involve physical contact with child
- ✎ Child-on-child contact
- ✎ Defensive force

# CPS Status Determinations:

☞ Unfounded

☞ Indicated

☞ Founded

- Judicial adjudication
- Acceptance into ARD
- Consent Decree entered
- Final PFA granted

☞ Pending

- Juvenile Court
- Criminal Court

# Mandated Reporters

# Mandated Reporters:

- ☞ Who is a Mandated Reporter?
- ☞ Mandated reporters must report when they:
  1. Come in contact with a child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program or service
  2. Are directly responsible for the care, supervision, guidance, or training of the child, or are 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

# Mandated Reporters (cont.)

3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse
4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse

## Note:

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



# Mandated Reporters: Protocol

- ☞ Mandated reporters who have reason to suspect that a child is a victim of abuse and who are staff at a medical or other public or private institution, school, facility, or agency must **themselves** make an **immediate** and **direct** report to ChildLine
- ☞ After reporting to Childline, these mandated reporters must then notify the person in charge of their institution, school, agency, or facility
- ☞ The person in charge must facilitate the cooperation of the institution, school, facility, or agency with any investigation of the report

# Mandated Reporters

- ✎ Reports of suspected abuse can be made orally or in written form
  - Oral reports via Childline (**1-800-932-0313**) must be accompanied by a written CY-47 within 48 hours
  - Written reports can also be submitted electronically through an online portal (*Child Welfare Information System-CWIS*)
- ✎ Permissive Reporter (general public)

# Mandated Reporters

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

# Mandated Reporters

- ∞ The department must notify the mandated reporter of the final status of a report, and about services provided or arranged, within three (3) business days after receiving the final results of an investigation.

# Mandated Reporter Training

- ☞ Online child abuse recognition and reporting training is available through PA-DHS (formerly DPW)
- ☞ Approximately 3-hours worth of content
- ☞ [www.reportabusepa.pitt.edu](http://www.reportabusepa.pitt.edu)
- ☞ Effective December 31, 2014:
  - individuals applying for a license or certification issued by a licensing board identified as mandated reporters must submit documentation of 3 hours of training
  - individuals applying for the renewal of a license or certification issued by a licensing board identified as mandated reporters must submit documentation of 2 hours of training per licensure cycle.

# Clearances

∞ Child-care personnel, in order to work or volunteer with children, are required to obtain:

- Pennsylvania **Child Abuse** History Clearance;
- Pennsylvania **State Police** Criminal Record Check; and
- **Federal Bureau of Investigation** Criminal Background Check

# Who Qualifies?

- ☞ Day-care centers and homes
- ☞ Foster homes
- ☞ Adoptive parents
- ☞ Boarding homes for children
- ☞ Juvenile detention center services or programs
- ☞ Mental health services for children
- ☞ Services for children with intellectual disabilities
- ☞ Early intervention services
- ☞ Drug/alcohol services for children
- ☞ Day-care services/programs offered by schools
- ☞ Other child-care services provided or subject to approval, licensure, registration, or certification by DPW or a county social services agency or that are provided pursuant to a contract with DPW or a county social services agency

# Clearances

- ∞ Grounds for denying employment or participation in a program, activity, or service:
  - Perpetrator in a founded report committed within 5 years preceding verification
  - Convicted of one or more Title 18 offenses
  - Convicted of a felony offense (The Controlled Substance, Drug, Device and Cosmetic Act) committed within five years preceding verification





# Questions/Discussion