

Child Abuse Recognition and Reporting: Training for Mandated Reporters

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Objectives

- Learn the organizations that protect children from abuse in the Commonwealth of Pennsylvania
- Identify the definitions of mandated reporter, permissive reporter, child and perpetrator
- Understand the process of reporting child abuse
- Recognize the types and signs of child abuse
- Determine when to report child abuse and exclusions to child abuse
- Realize the rights, responsibilities and protection in place for mandated and permissive reporters

Child Welfare in Pennsylvania

- “Child abuse is defined as an act or omission by a perpetrator to a child under the age of 18 which causes non-accidental serious physical injury, serious mental injury, sexual abuse or exploitation, serious physical neglect or imminent risk of serious physical injury or sexual abuse or exploitation.” – The former secretary of the Department of Human Services, Beverly Mackereth
- The definition of child abuse was amended in 2015 to necessitate that acts or failures to act be accomplished either:
 - Intentionally
 - Knowingly
 - Or recklessly

Child Welfare in Pennsylvania

- Child Welfare in PA is state supervised and county administered. The County children and youth agency has 2 primary functions of CPS and GPS.
- CPS: Child Protective Services
- GPS: General Protective Services

Child Welfare in Pennsylvania

| Child protective Services (CPS) | General protective Services (GPS) |
|--|--|
| <p>-These services are provided in child abuse cases, that is when the abuse constitutes child abuse as defined in the law.</p> <p>-Ex: Counseling, classes to strengthen parenting skills, self-help groups, emergency medical services, and placement outside the home as a last resort.</p> | <p>-Essentially the same services are available to protect children in certain other situations that do not rise to the level of child abuse</p> <p>-Ex: Inadequate shelter, hygiene concerns, inappropriate discipline, inadequate supervision, truancy, and other issues that threaten a child's opportunity for healthy growth and development.</p> |

Components of Child Abuse

- Child- any person under the age of 18
- Perpetrator- does not have to be over the age of 18
 - This includes school employees

Components of Child Abuse

- Act: Something that is done by a perpetrator to either harm or cause potential harm to a child.
- Failure to Act: Something that is NOT done by a perpetrator to prevent harm or potential harm to a child.
- Must be over 18 to be considered a perpetrator in the case of “failure to act”
- Recent act or failure to act- any act/failure to act committed within 2 years of the date of the report to the department or county agency

Categories of Child Abuse

1. Bodily Injury (Physical Abuse)
2. Creating a likelihood of bodily injury
3. Causing the Death of Child
4. Serious Mental Injury
5. Sexual Abuse or Exploitation
6. Creating a likelihood of sexual abuse or exploitation
7. Serious Physical Neglect
8. *Per se* Child Abuse
9. Munchausen by Proxy
10. Engaging a Child in a Severe Form of Labor Trafficking

Quick Note on Neglect

- Physical Neglect
 - Educational Neglect
 - Medical Neglect
 - Chronic Neglect
-
- These cases are referred to the county Children and Youth agency for assessment as general protective services

Categories of Child Abuse

1. Bodily Injury & 2. Creating likelihood of bodily injury

Physical/Behavior indicators:

- unexplained injuries (fractures, bruises, burns, black eye, battered face), fear of going home, extreme apprehensiveness
- Unaddressed dental or medical ailments
- Unexplained fear or avoidance of contact of adults, older caregivers, and parents
- Inconsistency between the explanation given for a child's injuries and the injuries themselves
- Also includes creating a likelihood of bodily injury to a child through any act or failure to act

Categories of Child Abuse

- 3. Death of Child
 - through any act or failure to act

Categories of Child Abuse

4. Serious Mental Injury

Physical/Behavior indicators:

- Subjective medical problems: headaches, stomachaches
 - New sleeping problems
 - Loss of self-esteem or self-confidence
 - Inappropriate or delayed emotional development
 - Depression
 - Seeking attention from other adults
 - Avoidance of social situation (going to school)
 - Behavioral Changes or attempted suicide
 - Habit disorders (sucking, rocking etc.)
- This category also includes creating a likelihood of mental abuse to a child through any act or failure to act

Categories of Child Abuse

5. Sexual Abuse or Exploitation/ 6. Creating Likelihood of sexual abuse or exploitation

Physical/Behavior indicators:

- Changes in appetite or behavior
- Sexual knowledge or behavior that is inappropriate to age
- Depression, anxiety, or being withdrawn
- Sleep problems, nightmares
- Trouble or pained walking or sitting
- Blood in the child's underwear
- Pregnancy or venereal disease
- Refusal to change clothes or dress in front of others
- Running away from home or school
- Cruelty to others/animals

Categories of Child Abuse

7. Serious Physical Neglect

Physical/Behavior indicators:

- Poor hygiene and growth, underweight
- Shows an affect of indifference
- Thinner cheeks, arms and legs, often hungry
- Steals or begs for food and money
- Lack of adequate medical or dental care
- Developmental delays
- Inappropriately dressed for seasonal changes in weather
- More frequent abscess from school or not registered for school
- Poor impulse control, frequently fatigued

Categories of Child Abuse

8. *Per se* Child Abuse

Definition:

- Any Child: restraining or confining a child in an unreasonable manner, interfering with the child's ability to breathe, performing any physical act (kicking, biting, stabbing, burning, cutting) in a way that endangers the child
- Infant (>1 year of age): shaking, slapping or striking the infant in a forceful manner

Categories of Child Abuse

9. Munchausen by Proxy

- Constructing or faking a medical symptom or disease
- Intentionally exaggerating or purposefully worsening a current medical diagnosis
- Either of the above which could result in possibly harmful and unnecessary medical evaluations or treatments administered to the child

Categories of Child Abuse

10. Human Trafficking- Act 115, recently enacted
- 2 categories: labor and sex
 - Perpetrators use threat of serious harm, physical restraint, or abuse of legal process
 - Youth populations at risk: foster system, LGBTQ, homeless/runaway, disabled, mental health or substance abuse issues, those with histories of sexual abuse or being involved in the welfare system, those who identify as aboriginal or native, and those with family dysfunction

Categories of Child Abuse

10. Human Trafficking

Definitions:

- Labor trafficking Examples: being forced to work for little or no pay (commonly in farms or factories), or domestic servitude (like child care, cleaning, gardening etc.)
- Sex Trafficking Examples: (under the age of 18 in this case), the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for involuntary servitude, peonage, debt bondage, or slavery.

Categories of Child Abuse

10. Human Trafficking-

- Physical/Behavior indicators: frequent STIs or pregnancies, lying/not knowing true age, having no identification, interest in relationship with much older men/women, having late nights or unusual hours, reluctance to explain unusual tattoo, history of prior arrest for prostitution or related charges

Categories of Child Abuse

Signs in a parent or caregiver include:

- Showing little or no regard for the child
- Talking badly about the child
- Not touching or holding the child affectionately
- Not tending to the child's medical needs

What might this look like in a dental setting?

- Signs of physical abuse (bruising etc.) during the exam or while cleaning the patient's teeth
- Noticing signs of malnourishment
- You've noticed it appears as though a 14 year old have never had a dental cleaning before and the parent has brought them for dental pain. They may have extensive cavities or abscessed teeth
- Signs that the child doesn't have the tools necessary for maintaining healthy dental or personal hygiene

Exclusions to Child Abuse

- Depends on the circumstances
- For example: parents that refuse to sign a consent form for a medical procedure or treatment based on their bona fide religious beliefs.
- In the end, however, CYA ultimately determines if the exclusion applies.
- Therefore, do not consider the parents' religious beliefs when deciding whether or not to make a report, that is CYA's decision
- *The exclusions to child abuse are not to be determined by the mandated reporter- there are no exclusions to the obligation to report*

Exclusions to Child Abuse

- Environmental Factors
- Religious Beliefs
- Use of force for supervision, control or safety
- Rights of parents
- Participation in events that involve physical contact with a child
- Child on child contact
- Defensive Force

Scenarios for Discussion: 1

- **12-year-old Stacy** hangs around the treatment room at the end of her appointment. You chat about things going on at school with her as you clean up, but she's distracted and isn't following your conversation. When you are ready to get your next patient, it is clear that she isn't ready to leave. Finally, with encouragement, she tells you that she is supposed to stay with her grandparents that night and she doesn't want to go. Although she is clearly uncomfortable, she finally discloses that the last time she visited, her grandfather took her down to the basement, rubbed her between her legs, then put his hand on her chest over her breasts and told her she was getting to be a big girl and would need a bigger bra soon. She doesn't want her parents to know, but she just can't go stay with her grandparents. She doesn't want you to tell anyone.

Scenarios for Discussion: 1

- Discussion: Do you have reasonable cause to suspect child abuse?

Scenarios for Discussion: 2

- When **eight-year-old Jesse** sits down for his cleaning appointment, you notice that he's trying not to cry. When you ask him what's wrong or if he's having pain or scared he tells you that his dad gave him "a whoopin'" last night. You ask him what "a whoopin'" is, and he says that's when his dad hits him for being bad. When you ask, he says he was hit on his butt, that it doesn't hurt to sit down, and the bad thing he did was push his four-year-old sister down. Jesse says his dad told him to apologize to his sister, and he did, and his dad was happy he did, but sometimes he still feels sad when he thinks about it.

Scenarios for Discussion: 2

- Discussion: Do you have reasonable cause to suspect child abuse?

Scenarios for Discussion: 3

- You volunteer as a baseball coach for your local town. After practice, Pete, a skinny **5 year old boy**, on your team helps you put away the equipment. He seems like he doesn't want to go home even though it's getting late and his parents is over 30 minutes late to pick him up. When you inquire if he is waiting for a ride home he looks away and asks if he can have dinner with your family. You smile and ask Pete if he doesn't like what his family is having but Pete frowns and asks if you have any snacks. You notice that even though it's a chilly spring day, Pete doesn't have a jacket and his shoes have holes in the toes. He walks slowly to the car that just pulls up for him and you realize that he has only been to half of the practices and his parents is always significantly late to pick him up.

Scenarios for Discussion: 3

- Discussion: Do you have reasonable cause to suspect child abuse?

Reporting Suspected Child Abuse

- Who reports?
- Permissive Reporters vs. Mandated Reporters
- Permissive Reporter: Any person who has reasonable cause to suspect child abuse, not included on the mandated reporters list. However, they are encouraged to report suspected child abuse

Reporting Suspected Child Abuse

- Mandated Reporters: “a person who is required by the Child Protective Services Law (CPSL) to make a report of suspected child abuse”
- not only limited to any person with any type of health related license or certification...
- Also employees of: schools, child care centers, social services agencies, law enforcement, or public libraries
- Religious leaders, foster parents
- Independent contractors who are responsible for the care/supervision/control of a child
- Legal counsel with contact or a role in the support of a child

Reporting Suspected Child Abuse

- Has been recently updated to Include School Employees- not only in the realm of reporting but as potential perpetrators
- The updated law states school employees can be identified as perpetrators under the definition provided for “person responsible for the child’s welfare” or person having “direct contact” with children

Privileged/ Confidential Communications

- CPSL states the obligation to report overrides any breaches in health care related confidentiality
 - i.e. HIPAA
- No patient authorization is required to make a report
- Protections shall apply:
- Clergy members: confidential communications made to a member of clergy are protected as long as the individual is asking for absolution/forgiveness in this setting
- Attorneys at law: protected as far as the law protects communications to them by the client unless the client gives permission

Reporting Process

- Basis to report:
 1. Mandated reporter (as defined previously) makes report if they have reasonable cause to suspect the child is being abused. If the mandated reporter comes into contact with the child:
 - Through employment, occupation, of profession, or through scheduled program/activity
 - Through supervision, care, guidance or training of a child or is affiliated with agency, institution, school, organization, (including religious or other entity responsible for the child).
 - If a non-mandated person or individual aged 14 years or older specifically discloses to the mandated reporter that an identifiable child is the victim of child abuse
 - The child does NOT need to come before the mandated reporter in order for a report to be made by that reporter.
 - The Mandated reporter **does not need** to identify the person responsible for the abuse

Reporting Process

University of Pittsburgh's Pennsylvania Child Resource Center advises mandated & permissive reports to evaluate:

- The circumstances
- Their observations
- Their familiarity
- Their feelings

In order to help develop “reasonable cause to suspect”.

Reporting Process

- Even if you do not know the identity of the abuser, you still must make a report.



Reporting Process- How to Make a Report

1. The immediate report- either orally by phone or by an electronic report to the DHS (Department of Human Services)

Phone: ChildLine (800)932-0313 statewide toll-free staffed 24 hours a day, 7 days a week

Electronic: Child Welfare Portal (must create online login, for mandated reporters only)

www.compass.state.pa.us/cwis

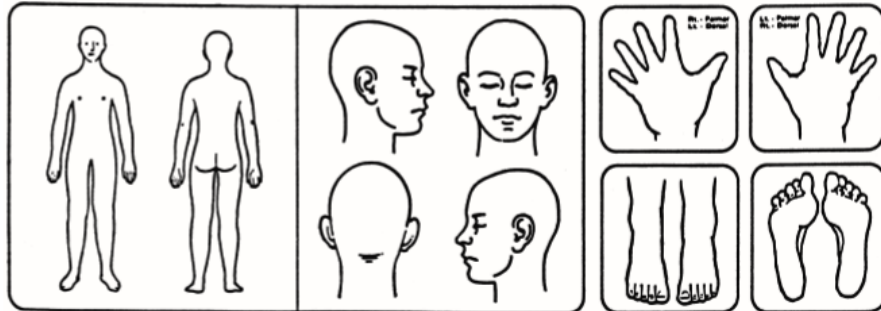
Then the person in charge of the institution, school, facility or agency must be notified.

2. If the immediate report was made over the phone, then a written report, form CY47, must be made within 48 hours. This form is found on the DHS website.

REPORT OF SUSPECTED CHILD ABUSE **(CHILD PROTECTIVE SERVICE LAW - TITLE 23 PA CSA CHAPTER 63)**

PLEASE REFER TO INSTRUCTIONS ON REVERSE SIDE. EXCEPT FOR SIGNATURE, PLEASE PRINT OR TYPE

| | | | | |
|--|--|--------------------------|-----------------------------|---|
| 1. NAME OF CHILD (Last, First, Initial) | | SSN | BIRTHDATE | SEX <input type="checkbox"/> M <input type="checkbox"/> F |
| ADDRESS (State, City, State & ZIP Code) | | | COUNTY | |
| 1A. PRESENT LOCATION IF DIFFERENT THAN ABOVE | | | COUNTY | |
| 2. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Initial) | | SSN | BIRTHDATE | TELEPHONE NO. |
| ADDRESS (City, State & ZIP Code) | | | COUNTY | |
| 3. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Initial) | | SSN | BIRTHDATE | TELEPHONE NO. |
| ADDRESS (City, State & ZIP Code) | | | COUNTY | |
| 4. OTHER PERSON RESPONSIBLE FOR CHILD | | SSN | BIRTHDATE | RELATIONSHIP TO CHILD SEX <input type="checkbox"/> M <input type="checkbox"/> F |
| ADDRESS (City, State & ZIP Code) | | | COUNTY | TELEPHONE NO. |
| 5. ALLEGED PERPETRATOR (Last, First, Initial) | | SSN | BIRTHDATE | RELATIONSHIP TO CHILD SEX <input type="checkbox"/> M <input type="checkbox"/> F |
| ADDRESS (City, State & ZIP Code) | | | COUNTY | TELEPHONE NO. |
| NAME OF ALLEGED PERPETRATOR'S EMPLOYER AND EMPLOYER'S ADDRESS | | | | |
| 6. FAMILY HOUSEHOLD COMPOSITION (Excluding Above Names) NAME (Last, First, Initial) | | RELATIONSHIP TO CHILD | NAME (Last, First, Initial) | RELATIONSHIP TO CHILD |
| A. | | | D. | |
| B. | | | E. | |
| C. | | | F. | |
| ADDRESS WHERE THE SUSPECTED ABUSE OCCURRED | | | COUNTY | |
| DESCRIBE THE NATURE AND EXTENT OF THE SUSPECTED CHILD ABUSE, INCLUDING ANY EVIDENCE OF PRIOR ABUSE TO THE CHILD OR ANY SIBLING OF THE CHILD. ALSO INCLUDE ANY EVIDENCE OF PRIOR ABUSE BY THE ALLEGED PERPETRATOR(S) TO OTHER CHILDREN. PLEASE NOTE EXACT LOCATION OF THE INJURY(S) ON MODEL BELOW. | | | DATE OF INCIDENT | |



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| | |
|--|---|
| 7. ACTIONS TAKEN OR ABOUT TO BE TAKEN BY THE PERSON MAKING THE REPORT: | |
| <input type="checkbox"/> NOTIFICATION OF CORONER OR MEDICAL EXAMINER <input type="checkbox"/> POLICE NOTIFIED | <input type="checkbox"/> X-RAYS <input type="checkbox"/> MEDICAL TEST(S) <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> TAKEN INTO PROTECTIVE CUSTODY <input type="checkbox"/> HOSPITALIZATION <input type="checkbox"/> OTHER (Specify) |
| 8. SAFETY CONCERNS AND RISK FACTORS: | |
| A. DESCRIBE THE CHILD(REN)'S PHYSICAL AND BEHAVIORAL HEALTH, GOOD MOOD AND TEMPERAMENT. DESCRIBE CHILD(REN)'S INTELLECTUAL FUNCTIONING, COMMUNICATION AND SOCIAL SKILLS, SCHOOL PERFORMANCE AND PEER RELATIONS. INCLUDE WHETHER THE CHILD(REN) HAS EXPRESSED ANY SUICIDAL/HOMICIDAL IDEATION OR PLANS. <input type="checkbox"/> INFORMATION UNKNOWN | |
| B. DESCRIBE HOW THE ADULT CAREGIVERS FUNCTION COGNITIVELY, EMOTIONALLY, BEHAVIORALLY, PHYSICALLY AND SOCIALLY. INCLUDE WHETHER THE ADULTS HAVE ANY MENTAL HEALTH, SUBSTANCE USE ISSUES AND/OR CRIMINAL HISTORY. DOCUMENT ANY PAST OR PRESENT DOMESTIC VIOLENCE. RECORD THE EMPLOYMENT STATUS/SOURCE OF INCOME AND WHETHER THERE ARE ANY FINANCIAL STRESSORS IN THE HOME. INCLUDE ANY SAFETY OR SANITARY CONCERNS REGARDING THE CONDITIONS OF THE HOME AND WHETHER THERE ARE WORKING UTILITIES. WHAT IS THE PRIMARY LANGUAGE OF THE HOUSEHOLD? <input type="checkbox"/> INFORMATION UNKNOWN | |
| C. DESCRIBE WHETHER THE CAREGIVERS HAVE THE APPROPRIATE KNOWLEDGE, EXPECTATIONS AND SKILLS TO PARENT THE CHILD(REN) ADEQUATELY. DOES THE CAREGIVER ADEQUATELY SUPERVISE THE CHILD(REN)? ARE THEY WILLING AND ABLE TO PROTECT THE CHILD(REN)? DESCRIBE THE ABILITY OF THE CAREGIVER TO EMPATHIZE, NURTURE AND ADVOCATE FOR THE CHILD(REN). <input type="checkbox"/> INFORMATION UNKNOWN | |
| D. DESCRIBE THE CAREGIVERS' APPROACH/METHODS OF DISCIPLINING THE CHILD(REN). DESCRIBE WHEN DISCIPLINE OCCURS AND WHETHER DISCIPLINARY METHODS ARE AGE-APPROPRIATE? ARE THERE ANY CULTURAL PRACTICES IN THE HOME THAT WOULD INFLUENCE THE DISCIPLINARY METHODS USED? <input type="checkbox"/> INFORMATION UNKNOWN | |
| E. PLEASE PROVIDE ANY ADDITIONAL INFORMATION RELEVANT TO THE INVESTIGATION PROCESS THAT HAS NOT ALREADY BEEN ENTERED IN THIS REFERRAL. THIS MAY INCLUDE ADDITIONAL ADDRESSES TO LOCATE THE CHILD OR PERPETRATOR, ADDITIONAL RESOURCES FOR THE CHILD, EMAIL ADDRESSES, INFORMATION ABOUT ANY WEAPONS IN THE HOME OR CONCERNS YOU MAY HAVE FOR THE CASEWORKER'S SAFETY. <input type="checkbox"/> INFORMATION UNKNOWN | |

INSTRUCTIONS TO MANDATED PERSONS:

A mandated reporter making an oral report of suspected child abuse to the department via the Statewide toll-free telephone number (800-932-0313) must also make a written report, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case by using this form. If needed, attach additional sheet(s) of paper to provide all of the requested information on this form.

NOTE:

If the child has been taken into custody, you must immediately contact the county children and youth agency where the abuse occurred.

| | | | |
|---------------------------------|---------------------------|-------------------|-----------------|
| REPORTING SOURCE: | | | |
| PRINTED NAME AND SIGNATURE: | | | DATE OF REPORT: |
| ADDRESS: | | | |
| TITLE OR RELATIONSHIP TO CHILD: | FACILITY OR ORGANIZATION: | TELEPHONE NUMBER: | EMAIL ADDRESS: |

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Reporting Process

- What is included in the report:
- ID of child, relevant contact information, SSI, gender, DOB if known
- Names/relationships of those in the household if known
- Location/date of suspected abuse
- Description of child's injuries/condition, why reporter suspects abuse, evidence if applicable
- Any further info: medical exams, hospital charts, child risk factors, family risk factors

Reporting Process- CPS

- After the report is made by phone/electronically and then written (if applicable) a caseworker from CYS must see the child within 24 hours.
- A thorough assessment is made by CYS to determine what services are needed and then an investigation is completed in 30 days.
- The CYS caseworker has the obligation to inform the parents and any other subjects of the report that a report has been made.
- If warranted, the CYS caseworker can only take custody of a child with court approval

Reporting Process- GPS

- After the report is made, the child is seen immediately, if needed, or the county will triage a response time with its other cases.
- Then they decide if they will accept the case for services and make sure the assessment was comprehensive. They have 60 calendar days to do this. They may recommend services or refer to another agency for services. A plan is made with the family, or in some cases, the child is removed from the household for a time.
- ***Their goal is to reunite families as often and safely as possible.***

Protections for Reporters

- Protection of Identity: DHS and the county only identify the reporter to law enforcement and the DA's office. They are treated as confidential informants.
- Liability Protection: any person who in good faith is involved taking actions under the law to document suspected child abuse is immune from criminal and civil liability under state law
- Protection from Retaliation: Permissive and mandated reporters are protected from retaliation actions by their employers for making a child abuse report

Penalties for Failure to Report

| Violation | Potential Penalty |
|---|---|
| Initial Offense -No aggravating factors -Failure continues while knowing or having reasonable cause to believe child is actively being subjected to child abuse, but abuse does not rise to first-degree felony or higher -Have direct knowledge of the suspected child abuse and abuse constitutes a first-degree felony or higher | -Up to \$5,000 fine and two years imprisonment -Up to \$10,000 fine and five years imprisonment -Up to \$15,000 fine and seven years imprisonment |
| Second and subsequent offenses | -Up to \$15,000 fine and seven years imprisonment |

Penalties for Failure to Report

- Statute of Limitations
- For an offense of failing to report or refer child abuse it is either the statute of limitations that exists for the crime committed against the minor child, or five years-- whichever is greater.

Mandated Reporters Right-to-know

- Learning the outcome of the investigation:
 - Mandated reporters may receive information regarding the final status of the report from the county Children and Youth agency- if it was unfounded, indicated or founded. The mandated reporter is advised to call that caseworker who conducted the investigation for that information.

Indicators of Child Abuse

- Denying trauma in a child with a significant injury
- A history that is inconsistent with the injury
- Mechanism of injury inappropriate to child's injury
- A story that changes over time
- Unexplained delay in seeking care for injury/illness
- Many injuries to different organ systems
- Changes in behavior/school performance
- Pulling away from friends or usual activities
- Absences from school or running away from home
- Showing shame or guilt when talking about something
- Avoiding eye or physical contact with a parent/caregiver
- Parent/caregiver uses negative language when describing or referring to child
- Parent/caregiver denies that any problem exists in school, at home, or with their child in general or blames the child for problems

FAQs

- 1. Am I a mandated reporter if I learn of the abuse from someone other than the child who was allegedly abused?
- 2. When must child abuse be reported?
- 3. Can a photo be taken if a child has a visible injury?
- 4. Is there immunity when reporting suspicions?
- 5. What can I do if a child is not being cared for properly, but may not be an abused child?

Another Consideration



Sources

- “Testimony of Beverly Mackereth, Acting Secretary of Department of Public Welfare, *Overview of Pennsylvania's Child Welfare System*, Joint Hearing of the Senate Aging and Youth and the Senate Public Health and Welfare Committees (April 9, 2013). Retrieved February, 1, 2017 from www.dpw.state.pa.us/cs/groups/webcontent/documents/presentation/p_033429.pdf.
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- <http://preventchildabusepa.org/common-questions>