

Mandatory Reporting Requirements: Children Pennsylvania

Last Updated: March 2020

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • The following adults: <ul style="list-style-type: none"> • 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) A 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; • 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 under items 1-11 and 13 of this section, who has direct contact with children in the course of employment; • 13) An independent contractor; • 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; and • 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 or children who are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code

When is a report required and where does it go?

When is a report required?

- Reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:
 - 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;
 - 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;
 - A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse; or
 - An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
- Any person may make an oral or written report of suspected child abuse if that person has reasonable cause to suspect that a child is a victim of child abuse.
- A person or official required to report cases of suspected child abuse, including employees of a county agency, who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner or medical examiner.
- Children under one year of age: a health care provider shall immediately make a report or cause a report to be made to the appropriate county agency if the provider is involved in the delivery or care of a child under one year of age who is born and identified as being affected by any of the following:
 - substance abuse or withdrawal symptoms resulting from prenatal drug exposure
 - A Fetal Alcohol Spectrum Disorder.

Where does it go?

- Oral reports must be made to the Pennsylvania Department of Public Welfare at 1-800-932-0313 and may be made to the appropriate county agency. Written reports must be made to the appropriate county agency in a manner and on forms the Department of Public Welfare prescribes by regulation. The child abuse reporting form can be found at: <https://www.dhs.pa.gov/KeepKidsSafe/Resources/Documents/CY47.pdf>.
- Mandated reporters can report electronically through a portal at: <https://www.compass.state.pa.us/cwis/public/home>
- A confirmation by the Department of Public Welfare of the receipt of a report of suspected child abuse submitted electronically shall relieve the person making the report of making an additional oral or written report of suspected child abuse, subject to Section 6313.

What definitions are important to know?

- **“Adult”** means an individual 18 years of age or older.
- **“Child”** means an individual under 18 years of age.
- **“Child abuse”** means intentionally, knowingly or recklessly doing any of the following:
 - Causing bodily injury to a child through any recent act or failure to act;
 - Fabricating, feigning or intentionally exaggerating or inducing a medical system or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act;

- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act;
- Causing sexual abuse or exploitation of a child through any act or failure to act;
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act;
- Causing serious physical neglect of a child;
- 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 the duration of the restraint or confinement;
 - Forcefully shaking a child under one year of age;
 - Forcefully slapping or otherwise striking a child under one year of age;
 - Interfering with the breathing of a child;
 - Causing a child to be present in a location while a violation of a criminal statute relating to operation of a methamphetamine laboratory is occurring, provided that the violation is being investigated by law enforcement;
 - Leaving a 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 III sexual offender under 42 Pa.C.S. Chapter 97 Subchapter H where the victim of sexual offense was under 18 years of age when the crime was committed;
 - Has been determined to be a sexually violent predator under 42 Pa.C.S. Section 9799.24 (relating to assessments) or any of its predecessors; or
 - Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. Section 9799.12 (relating to definitions);
 - Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).
 - Causing the death of the child through any act or failure to act; or
 - Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under the federal Trafficking Victims Protection Act of 2000;
 - **“Severe form of trafficking in persons”** is defined in the Trafficking Victims Protection Act of 2000 as follows: (1) sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.
 - **“Sex trafficking”** is defined in the Trafficking Victims Protection Act of 2000 as follows: the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act.
- **“Sexual abuse or exploitation”** means any of the following:

	<ul style="list-style-type: none"> • 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 (but not including consensual activities between a child 14 years or older and another person who is 14 years or older and whose age is within 4 years of the child's age): <ul style="list-style-type: none"> • 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 stimulation or gratification of any individual; • Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual; or • Actual or stimulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming; or • Any of the following offenses committed against a child (each as defined in Title 18 of the Pennsylvania code): <ul style="list-style-type: none"> • Rape • Statutory sexual assault • Involuntary deviate sexual intercourse • Sexual assault • Institutional sexual assault • Aggravated indecent assault • Indecent assault • Indecent exposure • Incest • Prostitution • Sexual abuse • Unlawful contact with a minor • Sexual exploitation
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Reports must be made immediately by telephone or written report using electronic technologies. If the initial report is oral, it must be followed by a written report (which can be made electronically) within 48 hours of the oral report.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Written report must include the following, if known: <ul style="list-style-type: none"> • The names and addresses of the child and the parents or other person responsible for the child's welfare; • Where the suspected abuse occurred; • Age and sex of the subjects of the report; • Nature and extent of the suspected child abuse (including any evidence of prior abuse to the child or siblings of the child); • The name and relationship of the person or persons responsible for causing the suspected abuse and

- any evidence of prior abuse by that person or persons;
- Family composition;
- The source of the report;
- The name, telephone number, and email address of the person making the report;
- The actions taken by the reporting source (including the taking of photographs and X-rays, removal or keeping of the child, or notifying the medical examiner or coroner, taking a child into protective custody, admission to private and public hospitals, or relating to mandatory reporting and postmortem investigation of deaths);
- Any other information required by Federal law or regulation; and
- Any other information that the Department of Public Welfare requires by regulation.

Anything else I should know?

- If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. This shall not apply if the failure to provide needed medical or surgical care causes the death of the child and does not apply to any child-care service, excluding an adoptive parent.
- The use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:
 - The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control; or
 - The use of reasonable force is necessary:
 - To quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;
 - To prevent the child from self-inflicted physical harm;
 - For self-defense or the defense of another individual; or
 - To obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.
 - Nothing in the statute is to be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children. Such reasonable force will not constitute child abuse.
- Sexual assault counselors have a duty to report allegations of child abuse to police (*Commonwealth v. Askew*, 666 A.2d 1062, 1065 (Pa. Super. Ct. 1995)).
- Whenever a person is required to report abuse in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility or agency with the investigation of the report.
- A person or official required to report a case of suspected child abuse or to make a referral to the appropriate authorities who willfully fails to do so commits a felony in the third degree if (i) the person or official willfully fails to report, (ii) the child abuse constitutes a felony of the first degree or higher; and (iii) the person or official has direct knowledge of the nature of the abuse. Other offenses are a misdemeanor

of the second degree.

- No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides, such as inadequate housing, furnishings, income, clothing and medical care.
- A person, hospital, institution, school, facility, agency or agency employee that participates in good faith in the making of a report, whether required or not, cooperating or consulting with an investigation, including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse, engaging in any action authorized under section 6314 (relating to photographs, medical tests and X-rays of child subject to report), section 6315 (relating to taking child into protective custody), section 6316 (relating to admission to private and public hospitals) or section 6317 (relating to mandatory reporting and postmortem investigation of deaths), shall have immunity from civil and criminal liability that might otherwise result by reason of those actions.
- For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to section 6311 (relating to persons required to report suspected child abuse) and of any person required to make a referral to law enforcement officers under this chapter shall be presumed.
- Any person may make an oral or written report of suspected child abuse, which may be submitted electronically, or cause a report of suspected child abuse to be made to the Department of Public Welfare, county agency or law enforcement, if that person has reasonable cause to suspect that a child is a victim of child abuse.
- A person or official required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county agency at the time the written report is sent or within 48 hours after a report is made by electronic technologies or as soon thereafter as possible.
- The privileged communications between a mandated reporter and a patient or client of the mandated report shall not apply to a situation involving child abuse or relieve the mandated reporter of the duty to make a report of suspected child abuse.
- Confidential communications made to a member of the clergy are protected.
- Confidential communications made to an attorney are protected so long as they are within the scope of the statute pertaining to confidential communications to an attorney, the attorney work product doctrine or the rules of professional conduct for attorneys.

Statutory
citation(s):

• Child Protective Services Law, 23 Pa. C.S.A. §§ 6303, 6304, 6305, 6311, 6311.1, 6312, 6313, 6314, 6317, 6318, 6319, 6386.